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GENERAL SECTION



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ARCHIVES OF MARYLAND

PROCEEDINGS AND ACTS

OF THE

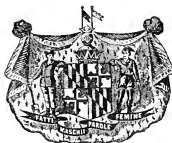
GENERAL ASSEMBLY OF MARYLAND

MARCH, 1707—NOVEMBER, 1710

PUBLISHED BY AUTHORITY OF THE STATE, UNDER THE DIRECTION
OF THE MARYLAND HISTORICAL SOCIETY

WILLIAM HAND BROWNE

Editor



BALTIMORE
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ROOMS OF THE MARYLAND HISTORICAL SOCIETY,

BALTIMORE, *April* 30, 1907.

To the Maryland Historical Society:

GENTLEMEN :

We have the honor to submit the Twenty-seventh Volume of the Maryland Archives, being the Proceedings and Acts of the General Assembly at the Sessions of 1707, 1708, 1709, and 1710.

Respectfully,

CLAYTON C. HALL,
HENRY STOCKBRIDGE, JR.,
BERNARD C. STEINER,
Committee.

ARCHIVES OF MARYLAND.

The following volumes have been published :

I.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1637/8-1664, 1883

II.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1666-1676, - 1884

III.

PROCEEDINGS OF THE COUNCIL, 1636-1667, - - - - - 1885

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LAND, MARCH, 1707-NOVEMBER, 1710, - - - - - 1907

PREFACE.

The sessions of 1707 and 1708 were distinguished by no unusual events, and harmony prevailed between the different branches of the Government.

Attendance on the Provincial Court being inconvenient to those who lived far from Annapolis, and especially to the people of the Eastern Shore, the Governor and Council recommended a system of itinerant judges to go on the Western and Eastern circuits, and hold assizes twice a year. To this plan the Lower House would not agree, so the Governor appointed four such judges by virtue of the royal prerogative, and the Queen confirmed the appointments.

As the people seemed slow in erecting towns and ports, for which such ample provision had been made in the Act of 1706, the Governor feared that that Act was "not sufficiently coercive," and again urged the Assembly to bestir themselves in the matter. At first sight it seems absurd to try to make ports by main force, unless one could also create the traffic to justify them; but there was a special reason in this case. Vessels had to be entered and cleared by the royal collectors, and thus the planters who could have landed and shipped their goods almost at their doors, were put to the trouble and risk of conveying them to or from Annapolis, St. Mary's, Oxford, or Chestertown. To remedy this, an Act was passed creating all the towns, rivers and landings in the several Bay counties, "members" of the ports of their districts.

The proceedings in the case of Richard Clarke, attainted for various heinous acts or designs, such as counterfeiting, piracy, and blowing up the port of Annapolis, show symptoms of a degree of alarm which at present seems rather excessive. But that business can be better studied in the Council Journals.

In the Session of Sept.-Oct. 1708, no Acts were passed, the Lower House having shown so froward a temper that the Governor cut short the session by dissolution.

On July 30, 1709, Gov. Seymour died, and by the terms of his commission the administration of his office was vested in the Council who chose Edward Lloyd as their President. Lloyd held this position until the arrival of Gov. Hart in 1714.

On p. 496 we find the first allusion to the arrival of German "Palatines" in the Province. These were inhabitants of the Palatinate of the Rhine, which was ravaged and almost depopulated by the French armies in 1688, and the following years. Several thousand of these fugitives took refuge in England in 1709 whence some emigrated to America, principally to New York and Pennsylvania, where they were so kindly received that they invited over others of their countrymen. Later, about 1732, there was a large influx of Germans to this country, who are often referred to as "Palatines." Some of these may have been the Salzburgers who were evicted by their Archbishop, some of whom Gen. Oglethorpe settled in Georgia; but the name "Palatine," having become familiar, was given to any body of Protestant German immigrants. It is interesting to note that, owing to the preponderant numbers of the genuine Palatines, other German dialects were assimilated to their speech, which became the foundation of the curious mixed dialect known as "Pennsylvania Dutch."

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a Session held at Annapolis, March 26 to April 15, 1707.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN SEYMOUR,
Governor.

THE UPPER HOUSE OF ASSEMBLY

Maryland ss

Att the Councill in Assembly held at the Towne and Port of Annapolis in Ann Arundell County the 26th day of March Anno Dni. 1707 and in the sixth Year of the Reigne of our most Sovereigne Lady Anne by the Grace of God of England Scotland France & Ireland and the Dominions thereto belonging Queen Defender of the Faith &c.

Original
Journal.
p. 1

This being the Day appointed by his Ex^{ncys} Proclamation for the meeting of the Generall Assembly of this Province

His Ex^{ncy} the Governour was present in Councill with the

Honourable Thomas Tench Esq ^r	} Coll William Holland Coll Francis Jenkins & James Sanders Esq ^r
Coll. John Hammond	
Coll. Edward Lloyd	

And his Ex^{ncy} was pleased to comunicate to the Boarde what he Intended to Propose to this p^rsent General Assembly upon their first meeting.

Which being read at the boarde was by them well Approved of. Then came M^r Gouldesborough M^r Bradley & M^r Stone from the house of Delegates to Informe his Excellency that their house were mett & wayte his Commands.

To which his Excellency made Ans^r that he would very speedily send for them, but the day being far Spent This Board Adjourned untill nine of the Clock to morrow in the morning.

Thursday March 27th 1707

The Councill in Assembly Sate Present as Yesterday.

And the hon^{ble} Thomas Tench Esq^r & Coll W^m Holland were sent to the house of Delegates to tell M^r Speaker that his Ex^{ncy} in Councill comands him & the whole House of Delegates I^mmediately to attend him in the Councill Chamber. And thereupon M^r Speaker and the members of that house came up to the Councill Chamber where his Ex^{ncy} was pleased to bespeak them as followeth Viz.

M^r Speaker and you Gentⁿ Delegates.

Since Wee are obliged to follow, and observe the sanctions of our great Pattern the Parliament of England, Wee may well conclude (unless some very Extraordinary Occasion calls for Your Assistance) our meeting now will be the last Session of this Present Assembly.

Original
Journal.

And that Posterity may not put an ill Gloss on our good meaning, I earnestly recomend to You a Serious retrospection into some Laws not long since revised and left now more ambiguous than at first, and the amending others lately made, which were intended for good ones by the house, but are in reallity, re infectâ; Particularly that of Erecting Townes & Ports, which seems not to be Sufficiently coercive, in some of the most material Branches, another to outlaw Richard Clarke whose Crimes are so notoriously aggravated, they crye aloud for Justice, and therefore cannot doubt of Your ready Concurrance in an Effectual Clause for the future Ease and quiet of her Majesty's good Subjects; nor the rectifying and amending the others while its in your power, which will Sufficiently Testify your good honest Intentions to after Ages.

Gentlemen

- p. 3 I am very glad to give you a remarkable fresh Instance of her Gracious Majesty's good Inclinations towards us of this Province in a late Instruction I received to appoint four Itenerant Judges, that every man without the fatigue and Charge of coming hither, may have Justice done him in his owne proper County. This Gentlemen will be a true incouragement to Propagate good Learning, and Litterature in the Country that Your Posterity may qualifiye themselves to perform the Dutys of the highest Stations; for at present that seems to be absolutely necessary; since her Majesty designes you Judges borne within Your owne bounds, which is really so Indearing a condescention; You will I hope (like Loyall good Subjects) ever gratefully Acknowledge.

Her Majestys honble Council have with me truly considered of the most proper Methods to render this her Majestys Royal Indulgent care of us, most Effectually, good to the Publick and shall Transmitt you a scheme drawne up by the best Advice we could procure which I doubt not will incourage your ready Assistance in a Matter of such moment to all; If any disputes should arise how these Judges should be supported. I would never have you forgett by whose authority you sitt and on all occasions to remember our Royal Sovereigns just commands are too Sacred to be trifled with or neglected, therefore pray pardon this Early ffriendly caution; whilst it is now in your Option to have the publiq necessary Levys of the Countrye circulate within your owne bowells; lest others should be sent from home & you directed by Authority to disburse it.

Gentlemen

The modell intended will not put the Province to so great a charge as it lyes under at Present; if we take off the Excessive

unnecessary allowance from the several Sherriffs for Transporting or conveying Letters which is a General Grievance by their neglecting the Delivery of them, in any reasonable time; & gives opportunity to designing evil Persons to open & puse them, to the Detriment of many Traders and the Eternall Scandal of the Conveyers without any Sort of Benefitt to the Gov'nment or any Person whatsoever but themselves next reduceing the sitting of the County Courts to four times in the Year and the whole Expence of the Provinciaall Courts &c Please to Calculate the Charge designed to be saved; You will find it very considerable.

Original
Journal.

p. 4

Mr Speaker

I have fresh Commands about Sr Thomas Laurence who alleadges he has injustice done him; I never injured that Gent^a in any manner whatsoever to my Knowledge. Therefore hope you will find out Some Way to Ease me from his clamorous complaints and if the house has put any hardships on his Office without considering he holds it by Pattent under the Great Seale of England, lett it be redressed a Gods name

I am ordered likewise to lay the Conveniency of Mr Dummers Packquett Boates before you; whereby the Governments on this Continent may very Probably hear from England every six weeks; as the Plantations in the West Indies constantly do; for as Correspondence is the life & Sole of all Trade Why should not we endeavour to reap so Experimentall a Benefitt with our neighbours and fellow Subjects for such an inconsiderable comon Gratuity as Postage therefore heartily recommend Mr Dummers proposalls to Your Consideration.

Gent^a

As there is a necessity for making some new Short Laws to Preserve the Dignity of the Government the Peace of Your Country & every honest mans Lawful Property & Credit I have Directed Mr Attorney Gen^l to draw up two or three which shall be Sent from this boarde for Your Approbation, and concurrence; Viz. to prevent all Persons disaffected to her Present Majestys Government from forging and disperseing false and Scandalous Reports of affaires in Europe &c during this Present Warr, another for punishment of all Coyners of false Dollars Pieces of Eight &c and distributing them for good ones; and of laying a fine on all openers of other mens Letters; w^{ch} villainous practice is so frequently used in this Province (and abhorred every where but in an Enemys Country to our very great Scandall) for the Right Honble Mr Secretary Hedges his Letters to me have not Scaped the knavish

p. 5

Original inspection of those Sort of men; there are others I shall Pre-
Journal. sume to Communicate to the house of Burgesses by Message.

And now M^r Speaker and you Gentlemen Delegates give me leave to mind you of my owne small concern the rent of my house with the necessary repairs & amendments about it, and the out houses for without these little Additions, I could expect no comfortable being.

Gentⁿ

I can never believe it was any disgust to my Pson or a Slight to her Majestys directions in that point, you refused building the Governour a house (which our neighbours granted at first word to theirs) but the Low unfortunate Circumstances the Poor Province Laboured under; for which reason I refused fifteen pounds a year above the rent I now stand at, when you were Pleased to offer it; and lett the matter rest without any reluctancy or uneasiness till we knew each other better. Therefore as you never yett found me mercenary or tricking; I cannot doubt your Justice in this trifle what I have Expended amounts to £ 47..13^s..6^d to the truth of which I cann Solemnly Depose I have observed in some Speeches of a Predecessor—a very ingenious wining passage; that he had put the Country to no charge; its true I have; but be so just
p. 6 to consider those were halcyon days of Peace & Tranquillity myne of Warr and hurly Burlys abroad and at home, which threaten us anew, I appeale to every Gentⁿ here present to Justify me in the truth of this modest Assertion that what has been laid out by my Directions was for your hon^r Safety & Service without any manner of Prospect to Advantage myself or family.

Your Small Stock of Arms are well fixed our Ammunition good, and usefull & think it my Duty while I am your Governour to have it constantly preserved for the publick Service; from all home bred Villianes and every enemy to our monarchie & Country, what designes are Carrying on, to bring fresh trouble and Expence on us, the house shall be acquainted with, not without hopes by your prudent timely Assistance to defeat and punish the Ring leaders, for their new concerted Barbarity; which surely I cann never faile of from Gent. whose Integrity and Ability the free holders of the Province were So well assured off unanimously to chuse for Burgesses to serve & use your utmost endeavours to preserve our Libertys & this our Lawfull Constitution.

Lett me therefore engage your very serious Considerations in this Juncture; how the Government may be truly Safe & Supported against the present and all other daring Insults whatsoever that you & Yours may be happy & flourish in Suc-

ceeding Generations which Your Vigorous Unanimity now may Settle and Establish to your lasting Satisfaction and Honnour.

Original
Journal.
p. 7

Then M^r Speaker and the members of the house of Delegates tooke leave of his Excellency the Governour and repair to their house.

But before M^r Speaker went out of the Councill Roome he moved that he and the members of the house might be favoured with a Copy of his Ex^{ncys} Speech to them this day. Which at his request was Readily granted, And thereupon it was ordered by his Excellency and the Board that the Clarke of the Councill make a fair & true Copy of his Ex^{ncys} said Speech and deliver the same to M^r Speaker.

The Councill Adjournes for two hours

Post Meridiem

The Councill againe Sate and Coll Thomas Ennalls came and was Added to the Boarde.

Coll Contee and nine other members bring from the house their answer to his Ex^{ncys} Speech Viz.

By the house of Delegates March 27th 1707

May it please Your Ex^{ncy}

Wee having considered Your Ex^{ncys} favourable and Loving Speech; and of her Majesty's Royal Proffers to us which You therein mentioned. Wee humbly & Dutifully Acknowledge her Speciall Grace and favour, and returne our hearty thanks: Which proffer with all other things by Your Ex^{ncy} recommended Wee will take into consideration together with the Capacity of this Province, And shall According to our Ability be ready to consent to any thing that in our Judgments shall be to her Majestys hon^r and Service and the good of this Province (which are inseperable) That wee may deserve the continuance of her Majestys Gracious Inclinations towards us.

Your Ex^{ncys} Government wee Acknowledge discreet and Easey wishing you health and that with Your owne inclinations & her Majestys favour you may long continue our Governour. p. 8

Signed p Order W Taylard Cl h D.

M^r Hudson M^r Ennalls & M^r Eccleston from the house present M^r Roger Woolford a member newly Elected for Dorchester County in the Roome of M^r John Taylor deceased And thereupon the oaths appointed by Law were Administered to him which he took & Subscribed with the Test.

Original Journal. The Councill then Adjourned till eight a Clock to morrow Morning

Fryday March the 28th 1707

The Councill in Assembly Sate Present as Yesterday with the Addition of honble Kenelm Cheseldyn Esq^r who came & took his Place at the Board.

The Petition of Marke Orde Master of the Pinck Reward of London now Riding in Putuxent River was Read, Viz. To his Ex^{ncy} John Seymour Esq^r Cap^t Gen^l & Gov^r of Maryland & her Majestys honble Councill

The humble Petition of Mark Orde Comander of the Pinck Reward of London now Riding in Putuxent River.

Sheweth. That Yo^r Pet^r being Comanded to carry Stores for her Ma^{ty} into Portugall tooke the same on board the 23^d of Feb^{ry} last was twelve months & Sayled from Graves End in England the 3^d of Aprill last for Lisbon and designed directly from thence hither in ord^r to take in Tob^{os} & sayle back for England with the last fleet and Convoy. That he could not proceed on his said Voyage so Expeditiously as he Proposed
 p. 9 being bound to weight her Majestys and Convoys Leisure which delayed him so that he could not Arrive here in time to Save the fleet; that he has now gott a good part of his Loading on board & the Rest ready to be taken in, soe that in less then a months time he shall be ready to sayl, having made an Extraordinary dispatch Since his Arrival here in hopes that being (as he humbly Conceives) within the Benefitt of her Majestys Instructions to Your Ex^{cy} in Reference to shippes designed to save the last Convoy but hind^{red} therefrom by unavoidable Accidents he may be permitted to Sayle when Loaden. Wherefore he humbly prays Your Ex^{cy} and the honble Councill will be pleased to Consider the Circumstances & Intent of the said Voyage, and Grant him Liberty to sayle for England when Loaden his designe being to goe North about as the most Safe way & he being ready to depose upon oath that his designe when first sett out from Graves End was to Save the last Convoy which he very reasonably might have done had he not been Imbargoed & waited by order her Maj^{ty}s further Directions; And that your Ex^{ncy} & Hon^{rs} will further Consider that if Your Pet^r must Stay in this Province untill a Convoy Arrives and a fleet ready to sayle back with it his Voyage will be ruined and his owners brought in debt thereby farr more then the Value of his Shipp.

Mark Orde

And further the said Cap^t Orde Satisfyed his Ex^{ncy} that his said Shipp was Intended by the owners thereof to be ready

here to Sayl under the Convoy of her Majestys Shipp Greenwich and other Frigotts and Perticularly Shew his Instructions to advise with M^r Thomas Emo then in this Country and in the Same Concerne, who went under that Convoy. Cap^t Orde being Asked in what time he may be ready to Sayl says in two and twenty Days.

Original
Journal.

Whereupon it was ordered that the Officers of her Majestys Customs Cheare the said Cap^t Orde's Vessel Provided he be ready to Sayle by the 20th of Aprill next Wind and Weather p. 10 permitting.

Edmund Benson was sworne Clark Assistant to the Councill.

Then was read the Petition of Severall of the Inhabitants of Ann Arundell County praying a Towne may be appointed at Pigg Point for their Conveniency in Shipping of their Tobaccos.

And the said Petition being read was recomended to the house of Delegates & sent by M^r Tench.

Then was read a Petition from the Inhabitants of Somerset County Praying the Towne & Port at Greenhill Towne to be remov'd to the South Side of Wiccocomaco River together with the Grand Jury of Somerset County Rep^rsentation relation thereto. Which Petition was referred to the house of Delegates with notice given them that the hon^{ble} Coll Francis Jenkins desired to be heard thereto.

The Board Adjourns for an hour

Post Meridiem

The Councill Sate Present as before

The Petition of Severall of the Inhabitants of Somerset County read complaining of the great inconvenience of the Towne as at Present laid out at Annamessex.

And was refferred to the house of Delegates—Who are desire to here the honble Col Francis Jenkins thereto.

The said Petition Sent to the house by Coll Jenkins and M^r Sanders.

The Petition of the Inhabitants of Piscattaway hundred in Prince Georges County Praying a Towne already appointed by the Act of Assembly for Townes and Ports may be sett aside p. 11 and another appointed in a more convenient place, being read at the Board it was referred to the house of Delegates—And forasmuch as his Excellency and this Board are well Satisfied with what the representatives of the severall Countys have already done as to the appointment of Townes.

Yett least the Assembly Should be troubled with a great many frivolous Petitions—The Boarde desire the house will perfix the time after which no Pet^{ns} of this Kind shall be received.

Original Journal. The s^d Peti^{con} & notification Sent to the house by Coll Jenkins.

The Petition of Severall of the Inhabitants of Calvert County Praying that the Court house of that County may be for the future appointed at Hunting Towne read and Approved of by his Ex^{ncy} and this Board and it is recomended that a Bill be prepared therefore. The said Petition & recommendation Sent to the house by Coll Jenkins.

The Petition of M^r Tobias Pollard read praying that three Tracts of Land given him by M^r John Pollard his Father may be confirmed according to a certain deed of gift by the said M^r John Pollard Signed and Sealed tho not in all other particulars duely Executed as the Laws of this Province Strictly requireth. And Ordered thereupon that so^mons Issue to M^r John Pollards heirs in remainder to Shew Cause why a Bill should not be Admitted to be brought in therefore. And further his Ex^{ncy} was pleased to grant the Petitioner a Com^{is}sion out of the high Court of Chancery to Examine his Evidences in perpetual memory for the better Satisfaction of the Assembly at the next Session

The boarde Adjournes untill nine of the Clock to morrow morning

p. 12

Saturday March 29th 1707.

The Councill Sate Present as Yesterday Save Coll Holland who had leave to go home on a perticular occasion.

His Ex^{ncy} was pleased to Send a Copy of the Paragraph of the Letter from the R^t Honble the Lords of Trade and Plantations in favour of S^r Thomas Laurence her Majestys Secretary as followeth. And also their Lord shippes Letter in favour of M^r Dummers Proposals for Packett Boates with the following Message sent by Coll Hammond & Coll Lloyd.

By his Ex^{ncy} the Govern^r & Councill in Assem.
March the 29th 1707

Herewith his Ex^{ncy} is pleased to send you a Copy of that Part of his Com^{mands} Signified by the R^t Honble the Lords of the Comittee of Trade & fforeigne Plantations in favour of S^r Thomas Laurence her Majestys Secretary of this Province which is again recomended to your best Consideration that Satisfaction may be given his Complaints or otherwise in Case you have reason to believe any hardshippes are put upon him as to his office pray in respect to her Majestys Patent do him what Justice is in Your Power as Speedily as may be.

M^r Dummers Proposals concerning Packett boates and the Right honble the Lords of Trade and Plantations Letter in favour thereof is likewise sent you and this Board do recomend that you will give what encouragement and assistance you can to so good a Designe which Tend much to the Advantage of Trade in this Province. Original Journal.

Signed p Order W Bladen Cl Concil.

His Excellency understanding the house of Delegates were not Satisfied of her Majestys Approbation of reducing the Number of Provinciall Justices. The following Message was Sent to the house by M^r Tench, Viz.

By his Ex^{ncy} the Governour & Council in Assembiy
March 29th 1707.

Least any of the members of the house of Delegates should not be Sufficiently Satisfied of her Majestys Royall Commands for reducing the Number of Provinciall Justices to four of the fittest and discreetest Persons in this Province who are likewise to be appointed Justices Itenerant to goe the Circuites through every County if the house thinks fitt to appoint a Select Number of their members; His Ex^{ncy} will give them better Satisfaction by reading before them her Majestys Gracious Instructions therefore.

Signed p Order W Bladen Cl Council

Then the three following Bills Viz.

A Bill against divulging of ffalse news

A Bill for preventing the Exportation of Tob^o out of this Province before the Duty payable be paid or Secured to be paid to the proper Officers. And p. 14

A Bill against Counterfeiting of fforeign Coynes of Gold and Silver being Drawne and presented to the Board was read the first time & recomend to the house of Delegates and Sent to them by M^r Sanders and Coll Ennalls.

His Excellency having procured a Copy of the Towne Law lately made in Virginia Sent it to the house with the following Message Viz.

By his Ex^{ncy} the Gov^r & Council in Assembly
March 29th 1707.

His Excellency having taken care to procure a Copy of the Law for Ports and Townes lately made in Virginia has sent it for Your Perusall and consideration that you may observe

Original Journal. therein what may be any ways for the Convenience of this Province and give Equall Encouragement to Trade with our neighbours and when the house have perused and considered of it Wee desire it may be returned for our Inspection.

Sent by M^r Tench & M^r Sanders

Signed p Order W Bladen Cl Council.

His Excellency laid before the board her Majestys Order in Council of the third of Jan^y 1705 directing an Act of Assembly or clause to Suspend the Execution of the Act to Prevent
p. 15 the Growth of Popery as to the Romish Preists Exercising their functions in a Private family of the Roman Comunion untill her Majestys further Pleasure should be known therein.

The Boarde Adjournes untill Eight of the Clock on Munday morning

Munday March 31st 1707

The Councill Sate, Present.

{	Coll Hamond	Coll Jenkins	}
	Coll Lloyd	M ^r Cheseldyne and	
	Col Ennalls.		

Ordered that the Scheme Proposed and agreed on the fifth of October last for regulating the Judicature of the Provinciall Court & modelizing the Assizes in this Province be sent to the house of Delegates with the following Message, viz.

By his Ex^{ncy} the Governour & Council in Assembly
March 31st 1707.

The Scheme or Model herewith Sent You is reco^mended to Your Consideration & that you will Either agree to that or some other better Method for the ready Effecting what her Majesty has been pleased so graciously to recomend for the benefit of Yourselves and Posterity.

Signed p Order W Bladen Cl Concl.

And Sent to the house by Coll Jenkins Coll Lloyd M^r Cheseldyn & Coll Ennalls.

Att the Councill held at Annapolis

October 5th 1706 Present

His Excellency the Governour &c,

Thomas Tench Esq^r

M^r Smith

p. 16 Coll Hamond

W^m Bladen Attorney Generall

M^r George Plater

& L^t Coll William Holland

{ Coll Thomas Smithson &

{ Col Thomas Smith, Justices of
the Provinciall Court

M^r Rob^t Gouldsbrough &

M^r Cornelius White Attorneys of the Provinciaall Court being Sent for came & Attended his Ex^{ncy} in Councill Who was Pleased to Acquaint them that the R^t honble the Lords of the Councill of Trade & fforeigne Plantations had Signified her Majestys Pleasure to him, in that she thought the Present Constitution of the Judicature of this Province Especially in the Provinciaall Court not well regulated and therefore Directed the number of the Provinciaall Justices to be reduced to four Who should be also Justices of Assizes Itenerant & goe the Circuites to Inquire & take the Verdicts of Jurours in the Severall Countys of this Province Yearly. And therefore his Excellency told the Gentlemen Present he had sent for them to Advise & Modell Some Scheme to be presented to the next Session of Assembly for their Advice and Approbation thereon. To the End this great and Gracious Condescention of her Majesty might be thankfully embraced and readily Effected.

And thereupon the Gentleⁿ present having Consulted argued & Debated thereon Doe propose

1st Resolved. That the number of Justices of the Provinciaall Court be reduced to four such Gentⁿ as his Ex^{ncy} shall think fitt to appoint of the most Proper & Discreetest Persons Freehold^{rs} within this Province, and that they be thereto Comissionated under the Great Seal of this her Ma^{ty}s Province. And to hold four Courts or Termes at Annapolis Annually. p. 17

2^{dly} That these four Judges have likewise comissions of Assize and Goale delivery and goe the Western and Easterne Circuits twice in Every Year to take the Verdicts of Juro^{rs} and Deliver the Severall County Goales

3^{dly} That all Process Issue out of & Returnable to and all Pleadings be filed and Issues made up in the Provinciaall Court Tryable there the next Terme nisi Justiciary &c. prins Verdict upw'd &c

And in case one other Terme should Intervene before the Assizes after such Issue is made up that there be an Entry made of Course (to Continue the Cause) of a Venire fac. Jur &c to the next Terme but that Ven nihil fecit nec Misit Bre p'dict Idee at Ven &c award to the next Subsequent Terme nisi prius &c and this in all Causes tho not to be made out or Executed); but that the Juro^{rs} Come to the Barr as now practiced in the Provinciaall Court.

4^{thly} That the Record of all such Issues not Tryable at Barr but at the Assizes be made up compleated and Sealed under the Seale of the Provinciaall Court, ready to be broke open upon calling the Cause at the Assizes as Sett downe in its due Course And that there be a Clark of the Assizes appointed to go with the Justices in the Circuites of the Westerne & Easterne Shores to Endorse the possea on the back of the Record

Original
Journal,
p. 18

Viz. the taking the Virdict of Juro^{rs} or Defaults at the Assizes, and to returne the same under the Judges Seale to the Provinciall Court there to be Ent^{red} of Record and in Order to have Judgement either awarded or arrested on such Verdicts.

5^{thly} That all Judgments by Defaults be Ent^{red} of Course and those by Verdict likewise by the Clarke of the Provinciall Court unless Six days Notice be given to the Party or Att^y of the Defendants Intent to move, (Within two days of the first next Terme) in arest of Judgement And that no Motion in a Rest of Judgement be received at barr unless such Due Notice thereof be proved upon oath to be made before one of the Judges.

6^{thly} That all Matters of Law Pleas in Abaten^t Estoppells Demurrers appeals and Writts of Erro^r be argued and heard at barr & not at the Assizes Unless in Criminall matters, wherein Exceptions to Indictm^{ts} may be allowed to be heard, and that the Practice be as consent as may be to that of the Kingdom of England Except Arguing of Exceptions to Indictm^{ts} and moving in arest of judgem^t thereon.

7^{thly} That Rules of Practice be advised and agreed on by the said Judges & Practition^{rs} to be prepared & presented to his Excellency the Governour and Councill in Assembly for Confirmation.

8^{thly} That the Termes be held at Annapolis the first of April 15th of June 10th of September & first of November
p. 19 Yearly. And that the Assizes be begun and held the first of May and first of October unless Sundays and Continue untill all the business be Completed.

9^{thly} That the Assembly will Seriously Consider of this her Majestys most gracious & Indulgent Condescention and by some Law settle an Annual Salary upon Such Judges to be Comissionated and appointed by his Ex^{ncy} the Governour of the fittest and discreetest Persons of this Province allways Freeholders and Inhabitants of and within the Same which Salary cannot be less than £100 p annum besides their travelling Charges to be borne by the Severall Countys.

W^m Bladen Cl Con^{cil}

Severall Depositions and Declarations relating to the late Disturbance of this her Majestys Government by Richard Clarke and his Accomplices having been first Communicated to this Board were sent to the house of Delegates by Coll Hamond Coll Lloyd M^r Cheseldyn & Col Ennalls Attended by the Clarke of the Council Who is ordered to Read the same in the house of Delagates And the Gent^{rs} of the Councill were directed to Acquaint M^r Speaker and the members of the house that his Ex^{ncy} desires they will appoint

a Select Committee to Examine M^r Charles Carroll M^r Amos Garrett M^r John Duvall M^r Levin Denwood Cap^t George Gale M^r Jacob Lookerman and others, who give Account of Clarks Coyning Dollars and Pieces of Eight, and of one Cap^t Silvester Welch that Sold the Countrys Powder to Daniel Wells, who lately helped Clark and his Gang out of the mouth of South River and is with several others gone to him and also of severall other Persons Debtors and Servants attempting to run away in order to join Clarke

Original
Journal.

p. 20

The said Gentⁿ went upon their Message and reported to the Councill Board that they had delivered the Same and that the Clarke of the Councill had read the Papers Sent.

The Petition of the Inhabitants of the South Side of Wiccomico River in Somersett County Praying that a Towne may be appointed at half Round Hill.

The said Petition was recomended to the house of Delegates & sent to them by Coll Jenkins Whome together with M^r Denwood Cap^t Gale and M^r Worthington are desired to be heard thereto.

Then did the Attorney Generall Present a Bill to prevent the Great Abuse of breaking open Publiq and Private Letters, which was read the first time.

The Petition of Major Josiah Willson High Sherriff of Ann Arundell County representing the Joyce and Upper Floore of the Prison at Annapolis not Sufficientty strong to secure the Prisoners. And that the Assembly would direct the same to be Secured, read and recomended to the house of Delegates And whereas her Majesty has by her Royall Instructions to his Excellency Directed that Prisons be built in every County and those very good and Sufficient.

p. 21

His Ex^{ncy} desires the house will Inquire where such Prisons are wanting or insufficient and that they will appoint the Severall Prisons & Court houses hereafter to be built in the Towns now appointed.

The af^d Bill Petition & Recomendation thereon Sent to the house by Coll Lloyd & Col Ennalls.

M^r Muschamp and M^r Macall bring from the house of Delegates as followeth Viz.

By the House of Delegates

March 31st 1707

This house have Considered the Message from Your Ex^{ncy} and hon^{rs} relating to S^r Tho^s Laurences Complaint to the R^t honble the Lords of Trade and Plantations about the Ordinary Licencess and they are of opinion that that Complaint Contains no more than what was Contained in a former Com-

Original
Journal. plaint made by the Said S^r Thomas to their said Lord^{ps} about that matter and to which this house gave a full answer last Sessions of Assembly, which by this time they hope is before their said Lrdships and so needs no further ans^r at this time.

As to that part of the Message relating to M^r Dummer. This house desires to know what Methods M^r Dummer will propose to render his Pacquett Boates Useful & Profitable to
p. 22 this Province And how by what means M^r Dummer may have Satisfaction in case such Proposals may take place and be put in Practice.
Signed p Order W Taylard Cl h D.

Then came M^r Tench Coll Holland and M^r Sanders and were Added to the boarde

Upon reading the Petition for altering the Towne at Herring Creek. It is the opinion of this Boarde that the Place already appointed is most Convenient.

Resolved the following Message be sent to the house,

By his Ex^{ncy} the Governour & Councill in Assembly
March 31st 1707

His Ex^{ncy} has been informed that through the Remissness of the Com^{rs} appointed for laying out Towns in this County, or otherwise the Shortness of time wherein they were Confined and Limited. The Towne at West River is not laid out nor the Towne and Port of Annapolis Surveyed according to Law.

And that most of the Lotts in the Said Towne and Port are Ingrossed into three or four Peoples hands to the great Discouragement of the neighbors who would build and Inhabitt therein could they have the oppertunity of taking up Lotts which is left to the Consideration of the house.

Signed p Ord^r W Bladen C l Concil

Sent by M^r Tench & Col Hammond

Coll Thomas Smithsens Petition for Allowance of two Setts of Bills of Excha. both amounting to the Sum of £ 15..11^s..8^d
p. 23 Sterl taken into France read & thought reasonable & Recommended to the house of Delegates to be Allowed him; he having paid the same; Yet he is to Use his best Endeavour if Possible for the Recovery therof.

The Councill Adjourned for an hour.

Post Meridiem

The Councill Sate Present as before.

Then Came M^r Stone and M^r Hudson with the following Message

By the house of Delegates
March 31st 1707

Original
Journal.

May it please Your Excellency

Upon reading Your Ex^{ncys} Message of Saturday by Thomas Tench Esq^r relating to her Majes^{ty}s Royal Comands Concerning Itinerant Judges &c this house have ordered and appointed a select number of Members to attend yo^r Ex^{ncy} when You shall please to give Orders.

Signed p ord^r W Taylard C l h Del

A Petition from M^r Henry Hall on behalf of S^t Jamess Parish in Ann Arundel County read & recomended to the House of Delegates.

Upon reading the last Message from the house Coll Jenkins and M^r Sanders were Sent to acquaint the house that his Ex^{ncy} was Ready to receive the said members: And that when the house has appointed a Comittee to Inspect the Papers this Day sent under seale the Clarke of this Board is ordered to Attend them. And that in regard M^r Gale and M^r Denwood live very remote His Ex^{ncy} desires they will Examine them that they may have leave to goe home.

Then M^r William Coursey Came and was added to the p. 24 board.

Then was read the Petition of the Inhabitants of Queen Anns County Praying their Towne and Court house to be appointed at M^r William Sweatnams Landing instead of Courseica Creeke

Also the Petition of other the Inhabitants of the said Queen Anns County read praying the Court house to be appointed at Major Hawkins Plantation in Coursica Creeke, which said Peti^{ns} were both referred to the Consideration of the house of Delegates And recomended that M^r Philemon Lloyd and M^r Richard Tillman and other Gentⁿ now in Towne be heard thereto.

And sent to the house by Coll Lloyd.

M^r Bradley & nine other members came from the house to whom his Ex^{ncy} was pleased to read her Majestys Approbation of Reducing the number of the Provinciaall Justices and appointing Itinerant Justices to goe the Circuites.

The Petition of John Nicholls of Dorchester County Complainning that Maj^r Nicholas Lowe Ex^t of William Edmondson deceased refused to sell the Land he was Impowered to last Assembly read and referred to the house of Delegates for Maj^r Low to give his ans^r thereto.

Original
Journal.By his Ex^{ncy} the Gov^r & Councill
March 31st 1707

- p. 25 Whereas the board has Inspected into the Plott or Draught of the County of Queen Anne it is the Unanimous opinion of the said Board that the Plantation of Maj^r John Hawkins in Courseys Creek being nearest the Center of the said County is the most Proper and Convenient place for the Towne & Court house to be fixed therefore referred to the house of Delegates for their Consideration.

And likewise the Plott of Talbott County together with the Petition of the Inhabitants of the said County for the Court house being fixt at the Towne of Doncaster in Wye River; which has also been Inspected into and the opinion of the board given that the said Towne of Doncaster is the most proper and Convenient Place for the said Court house to be fixt And is likewise referred to the Consideration of the house of Delegates.

Signed p ord^r W Bladen Cl Concl

The Boarde Adjourned untill nine of the Clock to morrow morning.

Tuesday Aprill 1st 1707.

The Councill mett Present M^r Tench Coll Hamond Coll Jenkins L^t Coll William Holland M^r Sanders M^r Cheseldyn Coll Ennals and M^r Coursey.

Came M^r Philips and Col Maxwell & Present M^r John Hall newly Elected for Baltimore County who had the Oaths by Law required Administered unto him & Signed the Test & Declaration.

- p. 26 Then was read a Bill for Suspending during the Queens Pleasure the Act to Prevent the Growth of Popery in this Province.

Whereupon his Ex^{ncy} Produced her Majestys order in Councill for Continuing the Bill of Suspension of the Prosecution of Romish Preists &c.

And the Scope of the said Bill now being Considered, It is not thought agreeable to her Majestys Comands or Instructions of the Assembly declared in the Act for Suspending the prosecution of Romish Priests Incurring the Penaltys of the Act of Assembly to Prevent the Growth of Popery for or by Reason of Exerciseing their function in a Private family of the Roman Comunion but in no other Case whatsoever And therefore ordered that another bill be Prepared agreeable to her Majestys Royall Comands which was read at the board unanimously approved of & Sent to the house by M^r Tench.

In ans^r to the houses Queries about M^r Dummer's Proposals the following Message Sent by M^r Tench Viz. Original Journal.

By his Ex^{ncy} the Gov^r & Council in Assembly
April 1st 1707

In Reply to the houses Request by M^r Muschamp & M^r Macall Desiring to know by what Methods M^r Dummer proposed to render his Pacquett Boates usefull to this Province, p. 27
or what satisfaction Hee would require therefore, Wee give You to understand that M^r Dummer Proposes to put the same method in Practice of sending his Pacquett Boates to the Continent as now Used to the West India Islands so that the Merch^{ts} Letters will Come to us at the Rate of 8^d for a Single Letter and 16^d for a Double one.

The said M^r Dummer makes his Proposals to all the Neighbouring Gov^{rn}ts and if they Close with him he will sett it on foot otherwise it will not be worth his while so that if Wee encourage the said M^r Dummer by writing him, Wee are willing to Embrace his Offers on those Termes, it will be a means to Promote it, or otherwise a Totall Discouragem^t which would be a great Pitty. Signed p order W Bladen Cl Concil.

The Petition of Col Ninian Beale read Complaining that the Lord Proprietarys Agents and Surveyo^{rs} denye him Right & Extreamely oppress him And Praying the Assembly would take his Case into their Serious Consideration and Relieve him he not being able to goe to Law with them.

Ordered the Petition be Endorsed that this Board duly reflecting on the many good Services the Petition^r has done the Country as well as his Lrdship. It is recomended unto the house of Delegates that they will Examine into the Petition^{rs} Complaint and see that Justice be done him.

The afs^d Pet^e and Endorsement Sent to the house by Col Holland & M^r Coursey.

A Letter to his Ex^{cy} the Gov^r from an unknowne hand in p. 28
favour of Townes & Ports read & recomended to the house of Delegates and sent by Col Hammond.

The Council Adjourned for an hour

Post Meridiem

The Council Sate Present as in the morning.

His Ex^{ncy} was Pleased to Order the Clarke of the Council to read the following Memoriall from M^r Charles Carroll one of the Lord Proprietors Agents, Viz.

Original May it Please Yo^r Ex^{ncy}
Journal.

This is the fourth time I give Yo^r Ex^{ncy} the trouble of Desiring that the Justice required to be done the R^t Honble the Lord Baltimore in reference to two Acts of the Assembly of this Province Viz the Act for Ascertaining the bounds of Lands and another which makes Specialtys Voyd unless sued or renewed within a Limited time by the Lords Comisso^{rs} of Trade and Planta^{cons} Letter bearing date the 12th day of May 1705 may be answered Yo^r Ex^{ncy} was Present at the Boarde of Trade when the unjust and Pernicious Consequences of both the said Laws were Debated, therefore Your Excellency is a very proper Judge how farr the Same were resented, which was the occasion of their writing that Letter;

- p. 29 The Lord Baltimore I am sure has that Confidence in Your Ex^{ncys} Justice as to be Satisfied that all the Contrivances of the Promoters of those two Laws to keep them on foot and thereby gratifie their owne Selfish & Stubborne humor to the apparent Prejudice of his Lordshipp as well as all others concerned in Lands or Debts in this Province will no Longer take Place it being in Yo^r Ex^{ncys} Power soe farr to repeal the Partialitys of the Act for Ascertaining the bounds of Lands as to lett the same Dropp this Sessions. Unless it shall be thought fitt to Purge it of the Wrongs & Partiality's that I dare affirme in the Presence of all Impartiall People, runn through most of the Paragraphs thereof by which a great many of the Ignorant and unthinking People have without the least benefitt Expended a Considerable part of their Substance which is really the Consequence of all Laws made to Serve Private Ends, And as for the other Act the unreasonableness thereof was so apparent that the Limitation of five Years has been Extended to twelve in order to make it appear more Plausable. Yet that noe way ans^{rs} the Justice required to be done the Lord Baltimore in as much as his bonds were due twelve Years before the act for Prolongation of the time was made. Thereffore doubt not but Your Ex^{ncy} will thinke of the most Proper method to do my Master Right in this perticular as well as in the other that he
- p. 30 may have no further Need to Give her Majesty the trouble of Redressing him in the said wrongs. The Consequence of the Occasion will I hope gaine Your Ex^{ncys} Pardon for this repeated trouble given You by

Y^r Ex^{ncys} most humble & most obedient Serv^t.

Char^s Carroll

His Ex^{ncy} reminds the Councill that he has such Directions in favour of the Lord Baltimore. And that he has been heretofore Applied to by M^r Carroll

Whereupon the said Memoriall or representation was sent to the house of Dell with the following Message Viz. Original Journal.

By his Ex^{ncy} the Gov^r & Councill in Assembly
Aprill 1st 1707.

His Ex^{ncy} is pleased to Send the Inclosed Memoriall and recommends You to Consider well thereof that Some Sufficient ans^r may be given the Lord Baltemores Agents to his Lord^{ps} Complaints and that the house will appoint a Select Comitte^e to consider thereof this being an Affair of great moment to the Inhabitants as well as Posterity, and report whether it be not reasonable that the Lord Proprietors Surveyors should be under Oath and good Security for the faithful discharge of their Offices in regard the Interest of her Maj^{ty}s Subjects here p. 31
may be much Prejudiced by their mistakes and Neglects as well as deceipt. Signed p order W Bladen Cl Concil.

The aforegoing Message Sent by Coll Hamond Coll Lloyd & Col Holland

The Board Adjourned till to morrow morning Eight a Clock

Wednesday Ap^l 2^d 1707

The Councill Sate Present as Yesterday.

His Ex^{ncy} Proposed and the Board did Unanimously agree that a Small Vessel should be manned out with about half a Score men and sent to North Carolina to the Gov^r there with a Letter from his Ex^{ncy} demanding Rich^d Clarke and his accomplices to be delivered to this Government in order to Answer for their Crimes.

Then was Read the representation of the Grand Jury in S^t Marys County complaining of a great Agrievance in that their County Court is held at S^t Marys Towne at an End and not in the Center of the said County.

The said Grand Juro^{rs} Presentment Ord^{red} to be Sent to the house with the following Message, which was Sent to the house of Dellegates by M^r Cheseldyn & M^r Sanders Viz.?

By his Ex^{ncy} the Gov^r & Councill in Assembly
Aprill 2^d 1707.

p 32

This Board having been severall times Importuned by divers Petitions from the County of S^t Marys to have the Court house of the said County appointed in the Center thereof the holding

Original
Journal. Courts at S^t Marys being represented by the Grand Jury of that County as a great agrievance to the Major Part of the Inhabitants there doe recomend to the house of Del: that a Short Act of Assembly be made for appointing the said Court house to be built at a Small Towne to be Erected at Britains Bay, being within two miles of the Center of the whole County, and the better to Enable the said County to build such new Court house that Com^{rs} be appointed to make a good Sale of the Court House at S^t Marys Towne; and the Present Interest of the country to one hundred Acres of Land there and the Rent and Reversion of the Country house saving the Rights of Perticular Persons, who have built and taken up Lotts and paid for the same, there being 30000^l tob^o offered therefore, which is conceived will be Sufficient to build a Convenient Court house for the said County.

Signed p order W Bladen Cl Council

p. 33 The Boarde Adjourned for an hour

Post Meridiem

The Councill Sate Present as in the morning

M^r Skinner and M^r Macall came up with Henry Roberts Petition referred by the last to this Session of Assembly & desire this Board would receive Satisfaction thereto before the Bill prayed for be brought in.

Then Came M^r John Duvall before his Ex^{ncy} the Govern^r & Councill and Declared that M^{rs} Eliza. Finley had Informed him Capt. Silvester Welch had lett Daniell Wells about Christmas last have three pounds of Powder which Wells powered upon his hand and sayd it was the Countrys Powder.

M^r Duvall says he believes Wells Intended to goe away with Clarke because he Striped no Tobacco but lett it Spoile.

M^{rs} Eliza. Finley came and made Oath before his Ex^{ncy} the Governour in Councill That Daniel Wells had three pounds of Powder which Silvester Welches negro that workes at Coopering brought him from his Master. That Wells powered it upon his hand and said it was the Countrys Powder.

After which he put it in a Gourd and lockt it up in a Chest And that She Saw it two or three days before Wells went
p. 34 away & Some Swann Shott which She observed was not in the Chest after he was gone.

And further that Arnold the Son of Charles Harrison came and called Wells out not Long before he went and that Wells stayd abroad from Thursday to Saturday and that he was at Annapolis for two or three days together. She Saw Wells have two false Dollars Supposed to be of Clarks makeing

which Wells said he had of Silvester Welches Wife and that She heard Daniel Wells say he had Clarke by the Hand a few days before he went & swore he would follow him. Original Journal.

That Wells told her he mett with his first Cozen at Annapolis To which She Answered She believed he was his Cozen Rogue. Wells said they were Brother & Sister Children and brought him where Wells lived and there they drunck all night and after found means to Steale away her Orphan Boy and did discourse as she heard of their Intent to take away a mollatto Boy.

Capt George Harris came and made oath that not Long since coming through Hoopers streights he mett with one Rob^t Reed who told him that three White men and two Negroes a Man and a Woman put into a Bite on Island where they had made a Tent and that two of them had Arms. That the s^d Reed & two others went to them and invited them up to the house but they said they did not want any thing unless Rume if they could sell them any to which they answered they could not and thereupon they tooke to their Boate and made downe the bay. p. 35

Reid discribed one to be Richard Clarke having a flat nose peaked Chinn & under jaw outjetting the upper.

This Boarde being well Informed that Rich^d Clarke Charles Harrison and Tho^s Wintersell went away from South River in a Boate wth two Negro's much about that time verily believe they were the Same.

And ordered M^{rs} Finley & M^r Harris's Depo^{ss} be sent to the house of Delegates Who are desired to direct the Com^{it}tee to Examine Maj^r Wilson what W^m Stimpson has Declared to him.

The Board having Examined the Evidences Produced on behalf of Henry Roberts as to the Illegitimacye of Elinar Campbells Child Pretend to be heir at Law to John Roberts And being Satisfied therewith. Ord^{red} that the said Petition and Examination to be Sent to the house of Delegates by Coll Holland and M^r Sanders, Who carryed them downe to the House.

The Boarde Adjourned till to morrow Morning at nine of the Clock

Thursday Aprill 3^d 1707.

The Councill State Present as Yesterday.

The following Message Sent to the house of Dellegates by M^r Sanders Viz. p. 36

Original
Journal.By the Gov^r & Councill in Assembly
Aprill the 3^d 1707.

It is recomended to the house that before they come to a finall Resolution concerning the Removall of S^t Marys County Court house they will hear M^r Cheseldyn and M^r Cornelius White Inhabitants of that County.

Signed p Order W Bladen C l Concil.

Then was Read the Petition of M^r George Harris Praying leave to bring in a Bill for the Sale of Some Lands late of M^r Charles Ridgley of Prince Georges County for the Satisfaction of £52..12^s..6^d to the said Harris and it was recomended to the house of Delegates that Leave be given him to bring in Such Bill.

The Petition of M^r Richard Bennett M^r Matthew Tilghman Ward M^r Rob^t Finly M^r Danl Sherwood and M^r Philemon Lloyd Praying that whereas the People of their County (of Talbott) were Divided in opinion as to the Placing their Court House the Sincerity of each Partys Pretentions might be tryed
p. 37 by his Ex^{chy} giving Leave to each Party to Collect by way of Subscription any sume of Money or Tobacco for the building of a Court house and that the greater Sume of money or Tobacco so raised may be applyed to the building a Court house at Either of the two Places for which the said Sume is raised.

The said Petition is approved and It is Recomend that the house will appoint a Conference thereon. The two aforementioned Petitions Sent to the house by M^r Tench & Col Holland.

M^r Muschamp and M^r Beale came from the house with the following Message Viz.

By the house of Delegates
April 3^d 1707.

In answer to the Proposal of hearing M^r Cheseldyn & M^r White as to the Removall of the Court house of S^t Marys County, This house came to a Resolve that the County Co^{rt} shall still remain & be kept where it is now at S^t Marys and therefore there is no need of hearing M^r Cheseldyn & M^r White to that matter.

Signed p Order W Taylard Cl h D

The Councill Adjourned for an hour

Post Meridiem

Original
Journal.

The Council Sate Present as before

M^r Ecclestone brought the following Message from the house
of Delegates Viz.

By the House of Delegates

p. 38

Aprill 3^d 1707.

In answer to the Message about Placing a Court house
of Talbott County This house have appointed a select number
of their members who will be ready to Conferr wth the honble
Councill as Soone as Your Ex^{cn}y and hon^{ts} shall give Orders
for it.

Signed p Order W Taylard Cl h D.

Upon reading the houses Message Coll Lloyd and M^r Coursey
are appointed to Conferr with the members of the house upon
the Matters Proposed.

Cap, Silvester Welch being called before his Excellency the
Governour and Councill. His Ex^{cn}y told him he did not hold
him worthy to keep his Comission any Longer for that Oath
was made that he had disposed of the Countrys Powder with
which he had been Intrusted And that to those who were
Enemys to and Disturbers of the Peace thereof particularly to
Daniel Wells to whome he sent three pounds thereof.

Cap^t Welch says he did Spare Daniel Wells Powder but it
was of his owne.

Being asked what he had done with the Countrys Powder
he had of his Ex^{cn}y He said what was left was at his house an
the Rest he had fired away in the sum^{er} p. 39

His Ex^{cn}y was Pleased to tell him that he did no belive him:
And discharging him from his Comand Ordered he should
give good Security for his Behaviour &c^a

Col Blay and M^r Ennalls bring up from the house the Bill
for Suspending during her Majestys Royal Pleasure the Prose-
cu^{con} of the Priests of the Romish Comunion, incurring the
Penaltys of the Act of Assembly to Prevent the Growth of
Popery for or by reason of Exercising their Function in a
Private Family of the Romish Comunion, but in no other Case
whatsoever.

Endorsed to have been read twice and past the house of
Delegates.

The Board Adjourned untill nine of the Clock To morrow
morning.

Fryday Aprill 4th 1707.

The Councill Sate Present as Yesterday.

A Petition for Relief of severall Inhabitants of Dorchester
County where the original Wills & Inventories were burnt in

Original Journal. Mr Hubbard the Deputy Comissarys hands Read and recommended to the house of Delegates, and sent by Coll Hamond and Coll Lloyd

p. 40 Mr Wells & Mr Howe bring up the Bill against counterfeiting of fforeign Coynes

Marked to be read the first and second times and past the House.

Mr Wells and Mr Howe bring up the bill to Prevent the Exportation of Tobaccos to Pensilvania untill the Country dutys here were paid or Secured.

The said Bill was marked to have been twice read and past the house.

Mr Tyler and Mr Hudson bring up a Bill for the Removall of Thomas Howell to the Sherriff of Kent County which was also marked to have been twice read & past the house

His Ex^{cny} Acquainting the Board he was Informed of a Sloope lately come Privately in beards Creek in South River to fetch some Effects belonging to Rich^d. Clarke, Charles Harrison and Thomas Wintersell, and that it was Probable some of Clarkes accomplices were Come in the said Sloope

Ordered that the Sherriff of Ann Arundell County make Seizure thereof; and bring the said Sloop with the Skipper and others Concerned before his Ex^{cny} and this Boarde

The Councill Adjourned for an hour

Post Meridiem

The Councill Sate Present as before

p. 41 Mr Skinner and Eleaven other members of the house of Delegates bring up the houses Address to his Ex^{cny} the Governour Viz.

To his Excellency John Seymour Esq^r Cap^t Cen^{ll} and Commander in Chief of her Majestys Province & Territories of Maryland

The humble Address of her Majestys most Dutifull and Loyall Subjects the Delegates and Representatives of the Inhabitants of the Severall and respective Countys of this her Majestys Province of Maryland now convened into a Cen^{ll} Assembly.

Wherein first We give Your Ex^{cny} our humble and hearty thanks for that Peace & Tranquility which wee have & do now Enjoy under Your prudent and auspicious Government humbly hoping that our gracious Queen will be pleased to Continue You long in this Government over us.

S^r As You have added to our Tranquility many Advantages so wee must not omitt to Express our thanks to Your Ex^{cny} for

them lest wee deservedly fall under the Censure of Ingratitude to so good & Generous a benefactor. Original Journal

Wee are very sencible of the great and Dangerous designs which have been carrying on by wicked People Enemys to her Majestys Government to destroy the Records Armes and Amunition This Towne and all that was necessary to render this Government Safe & Secure

And wee do in a very Deep Sense thereof returne You our hearty thanks for Your great care and Prudence You have shewed in the preservation of all those things and Preventing the Effect of so Dangerous a Conspiracy, And wee do humbly Pray that You Ex^{cny} will be Pleased to give order to the Attorney Generall to Prosecute all such Persons as now are or shall be found in the Said Conspiracy p. 42

Wee also give Your Ex^{cny} our hearty thanks for the great trouble & Care you have been Pleased to put Your Self to in Procureing the Virginia Law for Settlement of Ports in that Colony for our Perusall and Consideration whereby wee have been able to State things (in relation to Townes here) soe as wee hope not to be out done by that Government

Sr Wee want words to Express our Gratitude to Your Ex^{cny} but hope that that benigne Temper with which your allways treated us will Excuse what may be wanting upon so Solemn occasion.

Ap^l 4th 1707.

Signed p order W Taylard Cl h D.

The said Gentⁿ brought up also the following Message Viz^t.

By the house of Delegates

Aprill 4th 1707

p. 43

May it Please Your Excellency

This house has Considered that Your Ex^{cny}s Speech relating to the Security of the Arms and Amunition lodged in the Magazine in this Towne, and this house is of opinion that the Armes and Amunition will be best Preserved and Secured for the Service of the Country by Sending Proportionable Parts of it into the Countys & comitting it to the Care of the Chief Officers, if Your Ex^{cny} shall be Pleased to approve thereof.

Signed p Order W Taylard Cl h D.

Mr Macall and Mr Watts bring up the Bill for Confirming Thomas Knightons last Will and Testament which had been read & past the house Nemine Contradicente. The Board having debated the houses Message about distributing the

Original Journal. Publick Armes & Amunition to the severall Countys in Proportionable parts.

The following Answer was sent by Coll Hammond Coll Jenkins Coll Lloyd & Coll Ennals.

By the Gov^r & Councill in Assembly
April 4th 1707

The houses message Advising Proportionable Parts of the
p. 44 Public Armes & Amunition to be sent to the Several Countys and Comitted to the Care of the Chief Off^r of the Militia in the s^d Countys has been Read, and in Reply thereto Wee Acquaint you that the Publick Arms and Amunition are Purchased out of the Quarter part of her Majestys Revenue of the 12^d p hhd granted by her Majesty for the Defence of this Province, and that altho it be sometimes necessary for the Imediate Safety & Defence thereof that Some Small Quantity of Armes and Amunition may be lodged in Severall Countys to be made Use of by Such who are not able to Procure Armes at their owne Cost (as required by the Act of Assembly) for regulating the Militia at the Cheif Officers discretion upon a suddein Invasion or Incursion Yett in regarde a strict Account of the said Armes and Amunition Purchased with the 3^d p is Expected to be given by the Government here to her Majesty when required and that the Government here is ans^{table} therefore, and that It has been found by Experience the small Quantity of Armes and Amunition heretofore lodged in the severall Countys have been misused Spoiled and Lost so that the greatest Part
p. 45 thereof are unfixed & Consumed or rendred altogether useless.

Wee cannot Advise his Ex^{ncy} to send to the Severall Countys any more than what may be thought necessarily Requisite for a Competent Supply^m But that Pursuant to her Ma^{ty}s Royall Instructions a place of Arms or Publick Magazine of Armes and Amunition be kept at the Towne and Port of Annapolis where the Armes & Amunition may be well Preserved and on all Occasions be distributed and applied as his Ex^{ncy} shall think fitt: And this being the Seate of Government where her Majestys Governour Resides and the Courts of Justice are kept & Records Lodged, It will be highly necessary the house would consult Some measures for the Safety of the said Magazine here at this Towne & Port & in order thereto Since wee cannot think the publick Armes well Secured in the Place where at Present Lodged.

Therefore it is Proposed if the house are willing the said Armes may be lodged in Some of the Spare Roomes of the

Court house where they will be farr more Secure from fire & Preserved from the Dampness of the aire which occasions them to Rust: and that a Select Number of Armes belonging to Ann Arundell County be hung up in the Court house & fixed by Iron Barrs and padlocks that they may not be handled or taken downe unless by those who have Authority so to do. Original Journal.

F. 46

Signed p Order W Bladen Cl Concil

The Gentⁿ Sent with this Message are directed to Inform the House if they have any Objections to the Proposall they will Endeavour to give them Satisfaction thereto.

The Boarde Adjourned to nine of the Clock to morrow morning

Saturday April 5th 1707

The Councill Sate Present as Yesterday

His Ex^{cy} Sent M^r Tench and Six more of the Councill with his Answer to the houses Address Presented yesterday Viz.

Gentlemen

I Take Your Address very kindly and am & shall be always glad that I have or may do the Province any Service in Generall or Yourselves in perticular being Gentⁿ.

Your Friend & Serv^t

Aprill 5th 1707.

Jo: Seymour

Upon the application of Seaven Chaptico Indians on the behalf of Nannsonan their Queen P. 47

Ordered that the goods which were found to have been Stolen out of the said Queens Daughters Tomb and now in the Custody of John Rose late Constable of Chaptico hundred be delivered to the Said Queen or such she shall Direct to receive the Same.

And likewise Ordered that the said Indians apply to the hon^{ble} Kenelm Cheseldyne Esq^r who will see Justice done them.

The following Bills Viz:

A Bill for Preventing the Exportation of Tob^o before the Dutys be paid.

A Bill Suspending dureing the Queens Pleasure the Prosecution of the Priests of the Romish Comunion Incurring Certain Penaltys by their Exerciseing their Function in a Private family of the Romish Comunion

Original Journal, A bill to Prevent the Abuse of breaking open and concealing Publiq & Private Letters.

A bill for the removall of Thomas Howell & A bill for Confirming Tho^s Knightons Will having been all of them read at the Boarde the first and Second times were agreed to by the Councill and sent to the house of Delegates by Colonel Ennalls & M^r Coursey.

M^r Gouldsbrough Came up from the house of Delegates
p. 48 and acquainted the Councill that their Clerk had Endorsed the Bill for Suspending the Prosecution of Romish Priests &c^a.

Read the first time & past with Especial order (when really it was not so) but past on the Second Reading.

Ordered that Comissions be prepared for Solomon Right and Thomas Marsh to be Coron^{rs} in Queen Anns County—M^r Josie Toogood to be a Coroner in Queen Anns County and M^r Levin Hicks to be a Coroner in Dorchester County.

M^r Frisby and five others bring up from the house of Delegates the following Message Viz.

By the House of Delegates
Ap^l the 5th 1707.

In answer to the Message wherein It is Proposed that a Roome in the Court house be ordered for the Reception of the Publick Armes this house do approve thereof and that the Roome appointed for the petit Jurys be sett apart for that Purpose;

But as to the Armes applyed to the Perticular Use of Ann Arundell County being laid up in the Court House, the house thinke that will not be Convenient; but that the Said Armes may be put into the Roome where the Publiq Armes are appointed to be kept if his Ex^{ncy} approve thereof. And as to the Security of the Amunition this house do pray a Conference
p. 49 with her Majestys Councill in order to Settle that matter.

Signed p Order W Taylard Cl h D

Upon Reading the Petition of Thomas Manning a Prisoner in Calvert County praying that upon a full & fair Discovery & delivery up of all his whole Estate to his Creditors he may be Enlarged as is now Practised in the Case of Banckrupts.

The Board reflecting on the many Notices in the Gazetts & Post men of Certificates dayly signed and ordered to be Signed according to a late Act of Parliament of England in favour of Banckrupts doe believe there is such an Act of Parliament made Since her Ma^{ty}s accession to the Throne, tho not seen here, no Acts of Parliament before the third Year of her

Majestys Raigne being Transmitted hither as Yett, and therefore since the Peti^r is really reduced to great Poverty by becoming bound as in his Petition sett forth and seems to be within the Equitable Construction of such Law in favour of Liberty.

Resolved It be recomended to the house of Delegates to give Leave to bring in a Bill Impowering two Comission^{rs} to Call his Creditors together and Examine him upon Oath, & that on their Certificate that he has fairly discovered and delivered up his whole Estate, he may be discharged from the Imprisonment

The Councill Adjourned for an hour

Post Meridiem

The Council Sate Present as in the Morning Save Coll p. 50
Holland & M^r Sanders.

Maj^r Josiah Wilson high Sherriff of Ann Arundell County brought before his Ex^{ncy} and the Boarde John Spry and Thomas Brereton the first Pretended to be Skipper of the Sloop Margaretts Industry late arrived from Elizabeth River in Virginia, and the other a Saylor shipped on board her.

The said Spry & Brereton being both of them Examined a part Sprye Discribed Richard Clarke who went by the name of Robert Garrett in Virginia and owned that he was Employed by him. Brereton declared he knew nothing of Richard Clarke but was Ship^t on board the said Sloop by one Cartwright at Norfolk Towne in Virginia

Neither of the Said Persons Offering to make an Ingenious Confession but trifling with his Ex^{ncy} and the Board were ordered to be Comitted to the Custody of the Sherr of Ann Arundell County untill his Ex and the Boarde had further Leisure to Examine them.

His Ex^{ncy} and this Boarde Collecting by John Sprys Examination that Richard Clarke Stayed at Little Wiccocomico in Virginia Expecting the Returne of the Sloop It was Debated whether it might not be adviseable to send to Virginia on that Occasion and whether by Land or Water & unto whom there. And resolved that a Messenger be sent by Land with Request p. 51 to the honble the President of her Majestys Council there to Issue his Warr^t and take Effectuall Care to have Richard Clarke apprehended and delivered up to this Government for the Quiett and Ease thereof. And that a Letter be Prepared this night wherein his Ex^{ncy} will be pleased to Acquaint the President of Virginia that Col Nicholson when Governo^r there had formerly Issued a Proclamation for apprehending the said Richard Clarke And that it be Notified in the Letter that Clarke haunts Cartwrights at the Rose & Crowne in Norfolk

Original Journal. Towne and also at little Wiccocomico at one Richard Shipleys John Smitus or John Sprys where he is now supposed to be.

The Councill adjourned untill nine of the Clock on Munday Morning.

Monday Aprill 7th 1707

The Councill in Assembly Sate, Present

His Excellency the Governour	
Coll Hamond	M ^r Cheseldyn
Coll Jenkins	Coll Ennalls &
Coll Lloyd	M ^r Coursey

Whereas the Assembly is now sitting and Likely yet to rise It is Proposed whether it may not be Proper to adjourne the Provinciaall and Chancery Courts for some short time and thereupon it being debated and Considered to what time the p. 52 Provinciaall Court should be Adjourned Resolved it be Adjourned till the second Tuesday in the same month.

The following Message Sent to the house by Coll Ennalls.

By his Excellency the Gov^r & Councill in Assembly
Aprill 7th 1707

Upon the houses Message by M^r Frisby and five others desireing a Conference with some of her Majestys honble Councill in order to Consult the Placing & secureing the Publick Armes and Amuni^{con} his Ex^{ncy} has directed the honble Coll John Hamond Coll Edward Lloyd Coll Francis Jenkins and Coll Thomas Ennalls to Conferr wth the members appointed by the house to Settle that matter upon the first Notice given them the Place to be appointed by the Conferees

Signed p Order W Bladen Cl Concil.

A Bill against counterfeiting forreigne Coynes of Gold and Silver read on Saturday last and past with the Amendments was Transcribed and sent to the house by Coll Edward Lloyd, Who also carried Thomas Mannings Petition.

p. 53 The Petition of Charles Kilburne desireing Satisfaction for some Dollars Stollen from him by Peter Deveaux a French Prison^r read and recomended to the house of Delegates.

The Petition of M^r Thomas Freeborne desireing Some Satisfaction for his Servant a Criminall Condemned to Perpetuall Imprisonm^t being read at the Board was recomended to the house of Delegates that the Petition^r have Satisfaction made for his Servant according to his Petition.

Mr Freebornes Petition for Publiq Services referred to the house of Delegates & Sent with the two aforegoing Petitions to the house by Coll Hamond and Coll Lloyd.

Original
Journal.

The Board adjourned for an hour

Post Meridiem.

The Councill Sate Present as before.

Mr Ennalls brought from the house the following Message.

By the house of Delegates.

Aprill 7th 1707

This house have Considered the report of the Conference (relating to the Gunn Powder) reported to this house that the Powder remain in the house where it now is under such Guards as his Ex^{ncy} the Governour shall think fitt to appoint for the Security thereof which report this house doe not concur with because that Method will Entale great and Excessive Charge upon the Country; but they had rather leave the said Powder in the house as it is without any guard then put the Country to more Charge than the Powder is worth. p. 54

Signed p order W Taylard Cl h D

Mr Lowe and nine other members bring up a Supplementary Bill to the Act for Townes and Ports.

Which s^d Bill was Endorsed as follows

By the house of Delegates.

Aprill 7th, 1707.

Read the first time

Signed p Order W Taylard Cl h D

His Ex^{ncy} was pleased to Order the high Sherrieff of Ann Arundell County again to bring before him John Spry Skipper of the Sloope Margaretts Industry of Virginia and Thomas Brereton Pretended to be Shipped on board her as a Saylor.

And Accordingly came the said high Sherrieff and brought with him the said John Spry and Thomas Brereton who being asked by his Ex^{ncy} if they were willing to Declare the truth of their Knowledge Relating to Richard Clarke and his Practices they both of them say they are very willing. And being sworne upon the holy Evangelists declared as followeth Viz.

Original
Journal.
p. 55

April 7th 1707.

Thomas Brereton brought before his Excellency the Governor and Council Declared that being at the bay Side in Flints pound following with his Cozen John Shippley spyed Richard Clarke and Charles Harrison & Thomas Wintersell with a Negro man and Woman sitting by a fire they had made on the Banck and his Uncle Smith comeing thither they Invited them to his house having asked from whence Clarke came he Answered from Maryland and that he had bought a Plantation &c. was carrying his Negros to make Corne in Carrolina and intended in the Sumer to fetch his wife and family said his name was Rober^t Garrett the other two went by the name of Thomas Wintersell and M^r Peters which last Pretended to be a School master.

They went up the Creek to his Uncle Smiths and stayed there four Days in which time it being discoursed the Declarant was going downe to Elizabeth River to gett a Passage on Board one W^m Borrows for New England Richard Clarke offered him a passage to Lin haven Bay which the Declarant accepted & went a Long with him and his Company in his Boate while Clarke was at his unckle Smiths the Declarant went to his unckle Sharpleys & Fetched all his Cloaths and put them in Wintersells Chest and before the Declarant went his
p. 56 Brother W^m Bereton came after him and stoped him and made him take his Cloaths out again and the Declarant did Intend to have gone to Somerset County with John Spry but the wind being at North west Clarke overperswaded him to goe with him and when they came to M^r Thomās Plummers at New point Comfort went up the Creeke to the house and Stayed thereabut four or five Days. And the wind blowing Fresh at North west and their Boate Little so that they were afraid to Cross Mopjoak Bay M^r Plumer was Perswaded to lend them his Boate in which they went to the mouth of Elizabeth River an there the Declarant saw a Boate that came towards them wherein was one Daniell Wells Thomas Brabatch a Saylor and a boy about fourteen years old gave Clarkes Boate hold of their Painter and seemed to be very glad to see them Wells Called Clarke by the name of Garrett both Boates went into Elizabeth River and Wells and his Company was taken up at Norfolk Towne by Major Bush & Cap^t Mason and Clarke Pleaded that Daniell Wells was an honest man and good liver.

The Boy had like to have betrayed them for he said he was a Womans Servant here. Wells said he was his Serv^t and bought him to assist designing to buy a Plantation and was
p. 57 Intended to gett a Plantation at News River in Carolina. There was a Letter of Marq. Sloop there & the Crew were afraid Thomas Brabatch and Wells Intended to cutt her loose

& runn away on privateering Clarke gott drunk with the Letter of Marq men & fought with two or tree of them. The Privateer Brabatch was Employed to gett of a Vessell that was Drove on Shore by a Tempest. Original Journal.

Clarke Directed Wells and Harrison to one Capt Smith in News River till he could come to them. Hired this Shallop of Peter Cartwright and left his two Negros three Guners two Truncks and his Cloaths in Pawn untill her returne Perswaded the Declarant to come up with him againe to Wiccocomico to his unckle Sam^l Smiths & tooke on board Thomas Wintersell and one James Cale a Young Freeman and Came up to Potowmack Point where Cale went over the bay with the Declarants Brother Willm Brereton. Clarke and Winters went to carry M^r Plumers Boat Back. Clarke sent for John Spry and Hired him as the Skipper of the Sloop to Come up to South River in Maryland with the Declarant at the rate of three pounds tenn shillings p month and the Declarant Eighteen Pence p Diem and gave Instructions in an open Paper in Writing Directed them to M^r Hill to whom he also gave them a Letter and at Parting said good Friends whatever you doe apply yourselves to M^r Hill without any further Inquiris, said Clarke p. 58 told them they were to bring downe his Wife and Children and Wintersells wife to whome Wintersell sent a Letter and according to Orders they came to South River on Saturday the 29th of March the Declarant went on Shore to Pains Plantation. Who shewed him the way to M^r Hills where he lay that night and the next morning gave the said Hill Clarks Letter. M^r Hill ordered two horses to be gott and with the Declarant went on Board the Slooppe and discoursed the Skipper Spry. After which the said Declarant and Hill went to Capt Welches Where was Richard Clarks and Wintersells Wives and there M^r Hill discoursed with them. And after he & M^r Hill came to Paines Plantation and the Declarant went on board of Slooppe and according to M^r Hills Order Directed John Spry the Skipper to come to his house. Heard M^r Hill say when he was on board the Sloop I wish you were going now, here is a brave wind. He would give twenty pounds they were under Sayl with the things all on Board.

Hill bad them goe up the River and Trim their Sloop while the things were bringing downe accordingly they went up the River and into Beards Creek

M^r Hill told him severall People were daily goeing and that three Young Blades were lately gone towards Virginia or Carolina Thomas Brereton the Declarant says that he saw Richard Clarke write an open Paper on Directions to them to Enquire for M^r Hill and take his Advise in all things before they Enquired after any body Elce. p. 59

Original Journal. M^r Hill Bad them be sure to make hast to gett the things on board for he should Long to hear they were gone.
Thos Brereton

April 8th 1707
Sworne to before his Ex^{cny} the { W Bladen Cl Concil.
Governour & Council

Munday Aprill 7th 1707

John Spry brought before the Board Declared that about the first of March last he was at M^r Sam^l Smithson Potomeck Point where he came in Company with one M^r Garrett who Discoursed him about Comeing to South River to fetch said Garretts Wife the Declarant told him he would if he could gett a Sloop

Clarke had in his Company Thomas Wintersell and a School-master & two Negroes. After that the Declarant went over the bay Brereton was at Sam^l Smiths when the Discourse was and understands that he went downe to Elizabeth Towne in Virginia with Clarke

Some time after the Declarants Return over the Bay the s^d Garrett (who the Declarant now verily believes to be Richard p. 60 Clarke of this Province) came to Potomeck Point with a Sloop Brereton with him and two other men who came Passengers and went over to Somersett County and then the said Garrett agreed with the Declarant to goe Skipper of the Shallop to South River to fetch his wife gave him three Letters one Directed to M^r Joseph Hill one other to Elizabeth Garrett and the other to Wintersells wife the Declarant came into South River the 29th of March sent Thomas Brereton with a Letter to M^r Hill to whom Garrett Directed him for Advice and to take his Directions in all things

On Sunday morning said Hill and Brereton Came on Board the Shallop where the Declarant either gave the other two Letters to the said M^r Hill or Else Brereton Carryed them to him and Hill and Brereton on horse back went to M^r Clarks or as Brereton told him went to Cap^t Welchs sent for M^{rs} Clarke and she came to them Brereton saw her & discoursed her and said she was a Brisk talking woman

On Sunday night Thomas Brereton came on Board and told him he must goe to M^r Hills whether he went on Monday Morning March 31st would have had Brereton gone to Enter the Sloop but Brereton told M^r Hill said he must come himself to the Collector the Declarant went with M^r Hill to M^r Evan Jones's who gave him the Permitt Produced lent the Declarant money to pay for it 2^s 6^d then M^r Hill Bad him goe

up the River Saying You complaine Your Shallop is Leakey let that be Your Excuse if any come Board but who You are acquainted with M^r Hill sayed he wished he had the things on board the Shallop under Sayle with a fair wind he would give twenty pounds, told him when discoursed of Clearing there was no need of it. Was at M^{rs} Clarks house and helped downe with a Cart Load of Goods Saw Several Persons assisting there was two Carts discribes one short man ruddy Complexioned waddled and had a Cane in his hand at the house there was an old gray headed man and a little boy mannaged one of the Carts they tooke in the goods on Thursday and Fryday last. Richard Clarke gave the Declarant a paper open Saw Clarke write it and Clarke Said it was Instructions for him wholly to apply himself to M^r Hill.

Original
Journal.
p. 61

April the 8th 1707	{	John Spry
Sworn to before his Ex ^{ty} the Gov ^r in a full Councill		W Bladen Cl Concil.

Aprill 9 th 1707.

M^r Thomas Ricketts being brought by the Sherriff of Ann Arundell County before his Ex^{ty} the Governour and Councill Declared M^{rs} Elizabeth Clarke told him M^r Hill had sent a Sloop for her which was Consigned to him Says he thinks and verily believes he has seen Rich^d Clarke twice the last winter near his late dwelling Plantation at the head of South River. Says Some time the last winter he Saw Silvester Welch Sitting with M^{rs} Clark at Clarks House and Suspects Richard Clarke might be then in the Same house the Doors were Shut when he came to the house

p. 62

Sworne in Councill
W Bladen Cl Concil

The Boarde Adjourned till to morrow morning eight a Clock.

Tuesday Aprill 8th 1707.

The Councill Sate Present as Yesterday.

The Supplementary Bill to the Act for Townes read the first time and ordered to lye on the Table

The Petition of M^r Rich^d Bennett and M^r James Heath Farmers of the Lord Proprietarys Land Rents of this Province read praying leave to bring in a Bill to Impower them after the Expiration of their lease to distreyne for the rents which are Properly due to them and which through their Compassion

Original Journal. they have forborne rigorously to Execute, and it is recomended to the house of Delegates to give Leave for Such Bill to be brought in but that the L^d Proprietarys Agents be first heard to the Petition.

p. 63 A Bill for the Attainder of Richard Clarke of Ann Arundell County read the first time and sent to the house with the following Message Viz.

By his Ex^{ncy} the Governour & Council in Assembly
Aprill 8th 1707.

The Bill herewith Sent to the house for Attainder of Richard Clarke is thought Reasonable by this Board Since this is the Second time Your house has ordered the Attorney Gen^l to prosecute him and his Accomplices and that it hath been Ineffectual and altho' there are now actually four Bills of Indictment found by severall Grand Jurys of this Province against him Yet divers evil Persons have presumed to Receive Comfort and aide him whereby he has been able to avoid Justice according to his Demeritts Sculking within Tenn miles of this Place, the Seate of Government and practiceing and carrying on his Trayterous and wicked designs.

Sent by M^r Tench & Coll Hamond.

Signed p order W Bladen Cl Concl.

The Councill Adjourned for two hours

Post Meridiem

The Councill Sate Present as before.

M^r Ecclestone Came up with A Bill for Recording several Copys of Wills &c in the Comissarys office

Read the first and Second times by the house & past by Special order.

The following Message sent to the house of Delegates by Coll Holland and M^r Sanders, Viz.

p. 64 By his Excell the Governour & Council in Assembly
April the 8th 1707.

Upon perusall and Consideration of the last Clause or Paragraph Providing what shall be good Evidence to Prove ffor-
eign Debts which Enacts that an Account of Goods Sold Worke done money Lent and such other Articles as Lye Properly in Account and Sworn to by the Plaintiff in an Action brought or by the Defendant in his Defence in Dis-

count of all or part of the Plaintiff's Claim before such Justice or Justices (viz. one Provinciall or two County Court Justices) and that no Part or Parcell is paid other then what is taken Notice of in Such oath shall be received as Evidence. Wee thinke that if such Proof were Limited to goods Sold & worke done, it would be Sufficient, and that money lent ought to be proved by a note under hand or by receipt or Perticular Assumption and as to such Articles as Lye Properly in Account. The words are So General they Serve to amuse the Justices who often admitt of very Large Proofs w^{ch} Tend to Introduce Perjury and therefore wee cannot but recomend it to Your Serious Consideration.

Original
Journal.

And whereas it is for the hon^r of Almighty God that the Clergy of this Province should be Supported and the Rights and dues of our Infant Church well Secured.

It is proposed that when or wheresoever it shall happen that any part of the 40^{lb} tob^o p pole or other Right or Emolument belonging to the Church may happen to be lodged in any Persons hand who shall dye before they have satisfied & accounted to the respective Vestrys or Incumbents for the same, that in Such Cases his Claimes from their Ex^{ts} or Adm^{ts} shall be paid as Preferable to all other Debts dues & Demands whatsoever. The Rights and dues to our Sovereigne Lady the Queen allways Excepted and fore-prized. p. 65

The Act of Assembly against the Exportation of European Goods is Experienced since the short Time it has been in force, to be a great discouragement to the Trade of Import, which is Diverted thereby from this Province & carryed directly to other Ports. Whereas this Country would be the Port of Trade for such Vessels therefore advise it be repealed.

His Ex^{ncy} has received her Majestys Directions that the Quakers in this Province be Compelled to Contribute a Proportionable Share to the Charge of the Militia and Defence of the Country. But that the Distresses made upon them for their Defaults be not Extraordinary beyond the bounds of Moderation or more then what is Levyed upon others.

Wherefore Wee propose a Supplementary Law be made Providing therefore and Since the method Levyng of the fines by Act of Assembly in Such who neglect to appear and serve in the militia being only upon the Goods and Chattels and no Execution given against the body of the Defaulter has no Effect as to Young Freemen who have no Vizable Personall Estate whereon the Sherriffs may Levy them, it is Proposed that in Such Case Execution may be awarded against their Body otherwise there is no way to Enforce them.

Signed p order W Bladen Cl Concil

Original Journal. M^r Muschamp and M^r Beale brought up the six following Bills Viz.

A Bill for the Releif of Thomas Manning.
p. 66 A Bill for the taking off the six pence p Gallon on Rum &c from Pensilvania.

A Bill for Explaining some Doubtfull Clause in the Act for Limitation of Officers Fees.

A Bill for Naturalization of John Francis Holland

A Bill for Attainder of Richard Clarke

A Bill for killing Wolves and Crowes and An Additionall Bill for Releif of poor Debtors & Incouragement of Tillage.

Aaron Rawlings of Ann Arundell County Planter called before the board Acknowledged he ord^d his man and boy to go with his Teame and assist Richard Clarks wife with her Goods downe to the Landing which he Says he did in his Ignorance being told by her boy the Sloop had Ent^{ed} at Annapolis and would clear there againe.

His Ex^{cny} ask^t him if he did not know Richard Clarke was Outlawed. He says Yes, but did not Intend to Assist him for the Woman said She would pay him for the Use of his Teame

His Ex^{cny} tells him he knew better. After which his Ex^{cny} and the board ord^d the said Rawlins should give very good security in 500 sterl to appear before the Councill at any time within two months when called upon.

The Boarde Adjourned till nine of a Clock to morrow morning.

Wednesday April 9th 1707

p. 67 The Councill Sate Present as Yesterday.

The Supplementary Bill to the Act for Townes read the first time and Severall amendments Proposed and Peticularly Encouragement be given to handycraftsmen to settle in Townes by exempting them from arrests for their Debts not Exceeding fifty pound sterl or 10 000 tob^o the giving good security to the Justices of the County Courts for paym^t thereof within three Years time, and sent to the house by M^r Tench Coll Jenkins & Coll Holland.

A Bill for Recording severall Copys of Wills &c in the Comissarys Office

A Bill for Releif of Thomas Manning

A Bill for the Attainder of Richard Clarke

A Bill for Naturalization of John Francis Holland and A Bill for Explaining some Doubtfull Expressions in the Bill for Limitation of Officers Fees.

having been Read twice at this Boarde are sent to the house by Coll Lloyd and Coll Ennalls who also carry the Representation about the Gate house and Towne Fence

Came Mr Walters and brought up a Bill for Relief of Debtors and ascertaining the manner of Tenders in Tobacco. Original Journal.

Then the board taking into Consideration the Charge against Mr Joseph Hill of Ann Arundell County that he hath Aided Abetted & Corresponded with Richard Clarke who stands outlawed for Treason Issued the following Order of the Boarde directed to the Sherriff of Ann Arundell County Viz.

p. 68

By his Excellency the Gov^r & Councill Maryland ss^t

Whereas it has appeared upon the Oaths of two good Sufficient Evidences that Joseph Hill of Ann Arundell County Gentⁿ not weighing but forgetting his due Allegiance to our Sovereigne Lady the Queen hath lately Corresponded with and Aided Rich^d Clarke who stands outlawed for Treason by Act of Assembly of this Province, well knowing the said Rich^d Clarke so to stand Outlawed for the Crime and hath not Endeavoured what in him lay to Discover the said Richard Clarke and have him Apprehended and brought to Justice whereby he hath neglected the due Faith Allegiance and Duty he the said Joseph Hill ought to have and bare to our said Lady the Queen and the Support and maintenance he ought to give & Yeild to the Peace and Quiett to this her Majestys Government by Law Established and has Encouraged the said Richard Clarke as a false Traytor to Continue and Persist in his wicked and Trayterous Practices and Attempts to the Ruin and Subversion of this her Majestys Province and distruction of her Majestys Subjects the Inhabitants thereof against her Majestys Peace, Crowne and Dignity &c.

You are therefore hereby Comanded in her Majestys name upon Receipt hereof to take into your Custody the said Joseph Hill who is hereby Charged with Misprision of Treason as af^d p. 69 and his body in her Majestys Goale at Annapolis Safely and Securely to keep untill such time as he shall be delivered by due Course of Law there from And for Your so doing this shall be Your Sufficient Warrant. Given at the Towne and Port of Annapolis in Ann Arundell County from the Councill board this 9th day of Aprill in the sixth Year of the Reigne of our Sovereigne Lady Anne Queen of England Scotland France & Ireland And the Dominions thereunto belonging &c. Annoq Dⁿⁱ 1707. Signed p order W Bladen Cl Concil.

To Maj^r Josiah Wilson Heigh Sherriff of Ann Anrundell County.

Major Maxwell and M^r Hudson brought up the Supplementary Bill to Townes and Ports Endorsed as follows viz.

Original
Journal.

By the house of Delegates Aprill 9th 1707

Read the Second time and will pass with Amendm^{ts} in the
body of the Bill but as to the Endorsement this house will not
Concurr Signed p order W Taylard Cl h D

The Boarde Adjourned for two hours.

Post Meridiem

The Councill Sate Present as in the morning

M^r Roger Woolford brought up a Bill for Restraining
Masters of Shippes from Cropping and defacing Tobacco

p. 70 And a Bill giving Power to the Farmers of the Lord Balti-
mores Rents to Recover the same after the Expiration of their
Lease which said two bills were Endorsed and read in the
house the first time.

M^r Hall from the house with a Bill deciding difference be-
tween Coll Holland and Cap^t Smith which was Endorsed to
lye on the Table.

M^r Muschamp & M^r Ennalls from the house with Severall
Endorsed Bills Viz^t.

A Bill to prevent the Abuse of breaking open & Concealing
Publick and Private Letters.

A Bill for Attainder of Richard Clarke

A Bill for Thomas Howells Removall to the Sherriffe of
Kent County.

A Bill Confirming the Last will and Testament of Thomas
Knighton.

A Bill for Releif of Thomas Manning.

A Bill against Forgeing and Counterfeiting of fforreign
Coyns of Gold and Silver.

A Bill for Preventing the Exportation of Tobacco out of
this Province before the dutys paid & secured.

And a Bill Suspending Dureing the Queens Pleasure the
Prosecution of the Priests of the Romish Comunion Incurring
the Penaltys of the Act of Assemblys to Prevent the Growth
of Popery in this Province by Exercising their Function in a
Private family of the Roman Comunion but in no other Case
whatsoever.

Ordered that the Attorney Generalls Report concerneing
p. 71 M^r Hill be Ent^{red} in this days Proceedings

His Ex^{ncy} and the honble Councill Board having Referred
the Depositions of John Spry and Thomas Brereton to the
Attorney Gen^l for his Opinion what Offence M^r Joseph Hill
is Guilty of and how he ought to be Proceeded against.

The said Att^{ey} Generall Reported as followeth

I am Humbly of Opinion that the said Hill having Cor-
 responded with and Assisted Richard Clark who stands out-
 lawed for Treason and not having Discovered where he was
 (which he must needs have been Acquainted with otherwise
 could never have Settled the Correspondence or Presumed to
 send the Shallop to him) he is guilty of an high misprision
 and the s^d Clarks offence being Treason his must Conse-
 quently be Misprision of Treason at the Least for which he
 ought to be Arrested and put to Tryal by his Country and
 this Arrest may be made in this Case even during the sitting
 of the Assembly and that by Virtue of a Warrant from his
 Ex^{ncy} her Majestys Gov^r and her Majestys honble Councill
 from the Boarde

Which is humbly Submitted to the Approbation of his
 Ex^{ncy} the Govern^r & Councill by their

ffaithfull and ready

humble Serv^t

W Bladen Att^{ny} Gen^l

The Councill Adjourned till nine of the Clock to morrow
 morning

Thursday Aprill the 10th 1707

The Council Sate Present as Yesterday

p. 72

The Supplementary Bill to the Act for Townes & Ports read
 the first Time and second times and agreed to

And A Bill Impowering the farmers of the Lord Baltimores
 Rents to Recover them after the Expiration of their Lease.

Read the first & second times and agreed to which were
 Sent to the house of Delegates by Coll Lloyd & Col W^m Hol-
 land.

A Bill for relief of Debtors and Ascertaining the manner
 of Tenders in Tobacco Read the first and second times and
 Past and Sent to the house by Coll Ennalls.

A Bill repealing the Act Prohibiting the Exportation of
 European Comoditys Read the first and second times and
 Sent to the house by M^r Sanders.

A Bill stiled An Additionall Act for relief of poor Debtors
 & Encouragem^t of Tillage read & ordered to be Endorsed
 that this Board Considering the Present ill Circumstances
 many ill Planters are reduced to Since this last Warr thinke
 there cannot be to much Incouragement given for Tillage and
 Relief of Poor Debtors which the Title of this Bill Seems to
 offer at but the Body Abridges.

Therefore cannot agree to the Bill

Original Journal. A Bill for killing Wolves and Crowes read the first and Second times and will pass with the Amendments.

A Bill deciding Difference between Coll Holland and Capt Smith about bounds of Lands read & the Board not having
p. 73 the least Satisfaction of the Bill will not Agree thereto.

Sent to the house by M^r Cheseldyn

The Engros^t Bills brought up last night by M^r Muschamp and M^r Ennalls were read & assented to by the Councill and sent to the house by Coll Holland.

M^r Hall brought up three Engrossed Bills Viz.

A Bill Explaining Some Doubtfull Expressions in the Bill for Limitation of Officers Fees.

A Bill for Recording Several Copys of Wills &c in the Comissarys Office And

A Bill for Naturalization of John Francis Holland which were Read and Assented to by the Councill and Sent to the house by M^r Sanders.

The Petition of Samuel Norwood on behalf of John Acton an Orphan read and Reco^mended to the house to Releive the Orphan According to Right and Justice.

Ordered the following Message be Sent to the house.

By his Ex^{ncy} the Govern^r & Councill in Assembly
April 10th 1707

The Clarke of the Councill through whose hands most of the Publiq Business of the Country Passes has allways been Supplied with Paper Penns Incke Wafers and Wax at the Publiq Charge

The Present Clarke of the Councill Affirms he has Officiated therein Nine Years and never had but one Allowance of Six pounds which was in May 1704 at which time he was allowed for an Assistant Clarke that Assembly but never since considered on that Score Therefore wee Reco^mend to the house that they will Direct the Co^mittee of Accounts to make him a reasonable Allowance.

p. 74 And whereas You thought fitt to make an Allowance to the Clerke of Your house over and above his Sallary for that there were Sever^{al} Sessions of Assembly Anno 1704 Wee wish You not to forgett ours whose trouble and Service was Equall nay more in that he finished his Number of Journalls of the Long Sessions Compleat when Your Clarke Provided but one Journall. Sent by M^r Cheseldyn

Signed p ord^r W Bladen Cl Conl

M^r Jones from the house with a bill to Continue the Sheriffs of Talbott Kent and Cecill Countys Power of Executing for their Fees which was read the first and second times. Original Journal.

A Letter from Coll Evans Governour of Pensilvania to his Ex^{ncy} the Govern^r of this Province with the Copy of a Petition to the Said Coll Evans from Divers Inhabitants at the head of the Bay Claiming Lands there under Grants from M^r W^m Penn there Setting forth that they are Sued in this Province for the Same Lands.

M^r James Logan Secretary & Agent for M^r Penn his Letter to M^r Charles Carroll and said M^r Carrolls ans^r to said Logan as also M^r Carrolls Letter to his Excellency relating to that matter read and resolved they be Communicated to the house of Delegates to whome it is recomended for the better security and Quiett of this Province that they will Address her Majesty to Direct the Lord Baltemore and M^r W^m Penn to Adjust the bounds of their Pretentions and sent to the house by Coll Ennalls who carryed up the Bill continuing the Sherriffs of Talbott Kent and Cecil Countys power to Execute for their Publiq Fees. p. 75

The Council Adjourned for two hours

Post Meridiem

The Councill Sate Present as before

M^r Hall brought up the Engrossed Bill giving Power to the Farmers of his Lordships the Lord Proprietors Rents to Recover their Dues after the Expiration of their Lease.

Which was Read and Assented to by the house

His Ex^{ncy} and the Boarde understanding that M^r Joseph Hill who was taken this morning upon the Warrant Issued last night had Procured a habeas Corpus. And was allready lett to bayle before this Board had Examined him. Ordered that the following Message be Sent to the house of Delegates by M^r Tench Coll Holland Coll Lloyd & Coll Hamond viz.

By his Ex^{ncy} the Governour and Councill in Assembly
Aprill 10th 1707.

Whereas Joseph Hill Gentⁿ one of the members of Your house was by Virtue of a Warrant from this Boarde taken this morning as Charged with high Crimes and misdemeanours for Corresponding with and Aiding Richard Clarke who stands Outlawed by Act of Assembly of this Province which Crime at least must amount to Misprision of Treason Wee do acquaint You that this Boarde do think he ought to be Exam-

Original Journal, p. 76 ined before his Ex^{ncy} the Governour and Councill Concerning what is Laid to his Charge Therefore Notify to You that his Ex^{ncy} and this Board Require him to appear here Incontinent in Order to be Examined as afores^d.

Signed p Order W Bladen Cl Concil

But his Ex^{ncy} understanding the house had Directed M^r Hill to Attend the Board in order to his Examination, The Gentlemen appointed to goe with the foregoing Message to the house were ordered to desist.

M^r Woolford brought up the Engrossed Bill for Repealing the Act against Exportation of European Comoditys which was Assented to by the Councill.

M^r Tyler brought up the Engros^t Bill restraining Masters of Shippes from Cropping Tobacco &c which was Read and assented to by the Councill.

M^r Hill being brought before his Excellency & the Board in order to his Examination.

The following Message was Sent to the house by M^r Tench Coll Jenkins Coll Lloyd & M^r Coursey viz^t.

By the Governour and Councill in Assembly
April 10th 1707

Wee desire the house will send Six of their members to hear M^r Hills Examination.

Signed p Ord^r W Bladen Cl Concil.

And thereupon Came from the house of Delegates Major Low M^r Young Col Greenfield M^r Hall M^r Skinner and M^r Macall. Who being present.

His Ex^{ncy} was Pleased to tell M^r Hill that he little Expected a man of his Station & Character would be Guilty of Aiding and Corresponding with those that were Enemys to her Majestys Government & Disturbers of the Peace thereof.

But that it had appeared to him by the Oaths of two Legal Evidences Viz^t John Spry & Tho^s Brereton that he had lately received a Letter from Rich^d Clarke who stands Outlawed by Act of Assembly of this Province for Treason, and that he had Endeavoured to Assist and further the said Clarks desires therein And that M^r Hill might know the better what he was Charged with Ordered the Depositions of the said Spry and Brereton be read to him which was accordingly done.

After which M^r Hill Denied that Ever the Evidence mentioned Clarks name to him, And Says that he has not seen him for above twelve months, nor do's he know where he now is.

Disownes that ever he received any Letters at all from Clarke or any body Elce by Spry or Brereton. And that all he understood from them was by word of mouth from one Cartwright in Virginia. Original Journal.

Thomas Brereton and John Spry being called in the said Brereton Confronted M^r Hill & Affirmed that he did give and deliver to the said Hills owne hands a Letter Directed to Joseph Hill which he had from one who Pretended to be called Robert Garretts but since is assured it was Richard Clark

John Spry affirms he had a Letter from Clark directed to M^r Joseph Hill which he sent by Thomas Brereton and the next day M^r Hill came on board the Sloop with Brereton. The Gentⁿ of the house of Delegates take leave and withdraw. p. 78

M^r Hill also withdrew, and in very little time was again called in and told Since his Excell^{cy} understood he had given Bayle, the Board at present had not further to say to him & thereupon he Departed.

Maj^s Low from the house of Delegates acquaints his Ex^{cn}y They are desirous to see the Depositions relating to M^r Hill.

Order that the Clarke of the Councill goe downe and read them in the house.

Which was done Accordingly.

Came Maj^r Nicholas Low with the Engros^d Bill for Continuing Sherriffs of Talbott Kent and Cecill Countys Power of Executing for Publiq Dues which was read & Assented to by the Councill.

The Said Maj^r Low also brought the following Message Viz^t

By the house of Delegates Aprill 10th 1707

May it please Yo^r Excell^{cn}y

In regard that to morrow (being Good Friday) is a Day Particularly Devoted to Almighty God by all good Christians; but inasmuch as this house being mett upon the Publiq Affaires of the Province, and would make what dispatch thereof they could, Therefore desire to know whether the hon^{ble} her Majestys Councill will Sitt to morrow after the morning Duty to Almighty God shall be over; or not for that this house would willingly in this matter be guided by Their hon^{rs}, This house hoping that a Period may be put to this Session on Saturday night. p. 79

Signed p Order W Taylard Cl h D

Then was Coll Ennalls Sent downe to the house with three Engrost Bills Assented to by the Councill this Afternoon, and ordered to acquaint M^r Speaker that his Ex^{ncy} and this Board

Original Journal. will after the Duty of the morning Service is over Sitt in Council till the rest of the day.

M^r Leach and M^r Phillips bring up the Journall of the Committee of Accounts which was ordered to lye on the Table for Inspection and Consideration.

M^r Macklaster brings from the house as follows, Viz.

By the House of Delegates April 10th 1707

In answ^r to the Message what shall be good Evidence to prove fforeign and other Debts. This house are of Opinion that that Branch of the said Act mentioned in the Message: Viz^t goods Sold work done money Lent &c is well Enough and has no need of Amendment And as to that relating to the Clergye Wee believe that that Matter is well Enough Settled and Secured already by the Law, and therefore wee are unwilling to make any alteration therein, And as to the Quakers, Wee take them to be Comprhended within the Law of the millitia already, and there is no reason to make a Provision for them distinct from the rest of her Majestys
 p. 80 Subjects in this Province as to the Militia Affairs And as to all other Matters Relating to the Militia, We are of Opinion that the Law is well Enough as it is and needs no manner of Alteration. Signed p order W Taylard Cl ho D

The following Reply to a former Message from the house was Sent them by Coll Hamond Col Jenkins Col Lloyd and Col Ennalls viz^t

By his Ex^{ncy} the Gov^r & Council in Assembly Ap^{ll} 10th 1707

In answ^r to Your Message that You Cannot Agree to the Report from the Conference held for the Security of the Publiq Armes & Amunition at Annapolis, Wee Acquaint you that Wee are of Opinion the Publiq Armes and Amunition Especially at this time ought to be well Preserved & Secured, And therefore his Ex^{ncy} is Pleased to declare that this being a Concerne of the greatest moment and whereon Depends the Defence and Security of the Province, He must (tho very desirous to avoid all Occasions of Exposing the Country to any Charge) take care and give Proper directions for the Security of the Magazine & well hoped the house would have Advised and Assisted him therein Since by their desire and approbation he had taken Care to have so good and Serviceable a Quantity both of Armes and Amunition bought & Imported.

But seeing You have not thought fitt so to do, His Excellency who is the Proper Judge will direct what may be thought fitting therein. Signed p Order W Bladen Cl Concil. Original Journal. p. 81

The Councill Adjourned untill two of the Clock to morrow in the Afternoon

Fryday Aprill 11th: 1707.

Att two of the Clock in the Afternoon

The Councill Sate Present as Yesterday Save M^r Cheseldyne who had Leave to goe home

M^r Walters brings from the house.

A Bill for Relief of Debtors and Ascertaining the manner of Tenders, Engrossed—Which was read and Assented to by the Councill.

Memorandum

W^m Bladen gave his Excellency the following Representation on the behalf of Coll Blakiston Viz^t

To his Ex^{cny} the Governour and Councill in Assembly

Aprill 11th 1707.

Your most humble serv^t the Subscriber beggs leave to Acquaint Your Excellency and this honble board that in September last there was due to Col Nathaniel Blakiston Agent in England for this Province on account of his Sallary for his said Agency 120 Lb Sterl for payment of which Sume the gen^l Assembly has made no Provision therefore humbly Request Your Ex^{cny} will be pleased (with the Concurrence of this honble Board) to recomend to the house of Delegates that they will take Care for Coll Blakistons Satisfaction therein and also in Case there be no other Session of Assembly this Year that the Committee for laying the Publiq Levy in October next may have Instructions to Allow him one other Years Sallary which will be due in September next. p. 82

W Bladen Att^{ny} for Col Blakiston

The aforegoing Representation being well received and Approved of was Ordered to be thus Endorsed Viz^t

By the Governour & Councill in Assembly

Aprill 11th 1707.

The within Representation read & recommended to the house of Delegates to take Care of Coll Blakistons Satisfaction

Original Journal therein for that this Boarde are of opinion the services of the said Coll Blakiston are beneficiall and absolutely Necessary to this Province Esspecially at this time he is Employed to Solicite her Maj^{ty} for Copper money Proposed and Purchase more Armes and Amunition for the Countrys Service and also obviate many Reflections cast upon the Country which cannot be done without some body Authorized in England to Act in that Station. Signed p Order W Bladen Cl Concil.

p. 83 His Excellency and the Boarde finding the house of Delegates had made no Answer to her Majestys Directions Signified by the R^t honble the Lords Comm^{rs} of Trade and Plantations as to Reducing the Number of the Provinciall, and appointing Itinerant Justices direct the following Message to be sent to the house Viz^t

By the Gov^r & Councill in Assembly
April 11th 1707.

Your house cannot have forgott what his Ex^{cny} was Pleased to Acquaint You with at Your first meeting in this Session that her Majesty Approved of Reducing the number of Provinciall Justices and appointing Itinerant Judges to goe the Circuits and hold the Assizes in every County. Therefore since You seem to Intimate in Your message Yesterday by M^r Low You hoped the Session near a Conclusion; We cannot but Admire why as yett You have not given his Ex^{cny} and this Board any Satisfaction what You Intend to doe therein wee would wish You to Consider what was Proposed is absolutely within her Ma^{ty}s Royall Prerogative and therefore will be Effected According to her Directions. And the Condescension now made by his Ex^{cny} in having Your Advice on that Important Affair will serve to remind You phaps when it may be too Late that you have not only Mistaken Yourselves but the Interest of Your Country Signed p order W Bladen Cl Concil.

p. 84 Coll Maxwell and three other members came from the House with the Supplementary Bill to the Act for Townes and Ports Engros^d which was Read and Assented to by the Councill & with the Bill for releif of Debtors and Ascertainning the manner of Tenders Sent to the house by M^r Coursey.

M^r Plater and M^r Muschamp came and made oath to Sevrall of the Accounts of the Revenue of 12^d p hhd & 3^d p Hhd & 3^d p Tonn.

The Petition of M^r Kilburne who is Comissionated by his Royall highness the Lord High Admirall to be Marshall of

the Court of Vice Admiralty within this Province read, Setting forth that Severall Sherriffs Serve Precepts on the Water, which he is Advised is in Prejudice of his Office and Prays Redress. Original Journal.

To which It was Answered That this Board doe thinke the Petitioner the only Proper Officer to Serve the Process Issuing out of the Court of Vice Admiralty either on the Land or Water; but that the Sherriff is the Peculiar Officer of the Courts of Common Law to Serve & Execute the Process and Precepts thence Issueing

The Petition of Thomas Reading Printer Praying Incouragement to be given him by this Assembly That all Writts, Bayle Bonds, Citations and sumons &c hence forward to be made Use of may be Printed he Supplying them at reasonable Rates, Read & recomended to the favourable Consideration of the house of Delegates.

Mr Tyler and Mr Macall bring from the house as followeth p. 85.

By the house of Delegates Aprill 11th 1707

Upon reading Your hon^{rs} Message relating to that Part of his Ex^{cys} Speech touching her Majestys Comānd in reducing the Number of Provinciall Justices, and appointing Judges to goe the Circuites this house doe not approve thereof and therefore cannot agree to the Proposall.

Signed p order W Taylard Cl h D

The Boarde Adjourned till nine of the Clock to-morrow morning

Saturday Aprill 12th 1707

The Councill Sate, Present as Yesterday with the Addition of Mr Cheseldyn

Coll Holland had leave to goe home.

The Journall of the Comittee of Accounts Read and Assented to by the Councill, And

Signed p order W Bladen Cl Council

And sent to the house by Coll Ennalls.

Mr Waters brought up the Bill for laying the Publiq Levy read and Assented to.

His Ex^{ncy} and the Board understanding the house had Expelled Mr Joseph Hill one of their members from Sitting among them upon Proofs made of his Corresponding with Richard Clarke And that they desired Spry and Breretons Depositions should be Ent^{red} in their Journall. p. 86

Ordered the following Message be sent them Viz^t

Original
Journal.By his Ex^{cy} the Gov^r and Council in Assembly
April 12th 1707

His En^{cy} and this Boarde are consenting that John Spry and Thomas Brereton and Thomas Ricketts Depositions be Ent^{red} in the Journall of Your house. But forasmuch as M^r Hill is not Yett Come upon Tryall do not thinke it Proper to have the Queens Evidence Divulged and made Publiq before that time. Therefore in reguarde his Excellency and the Boarde are not willing to trust to M^r Taylard Your p^sent Clarkes Integrity in that he may Give out Copys, Wee desire they may be Ent^{red} at the End of Your Journall which may be ordered to be done after the Tryal is over.

Signed p order W Bladen Cl Council

Sent to the house by Coll Ennals

The following Reply to the houses Answer to severall Proposals made by his Excellency the Governour and this Board for Amendm^t of Laws. Was sent them by Col Lloyd and M^r p. 87 Coursey viz.

By his Ex^{cy} the Govern^r & Council in Assembly
April 12th 1707.

The houses answer to the Councils Proposals by Coll Holland and M^r Sanders, was Received here and upon Mature Consideration this Board cannot omitt Acquainting You that Wee are Sencible great Complaints have been made of that Part of the Law for Proving Debts and Peticularly in a Cause M^r Somerset brought in the Provincially Court against John Brannock wherein the Chief Justices Opinion was over ruled by the rest of his Brethren.

The Securing the 40^l tob^a p poll, as we proposed in Case it should happen to be in any Peticular Vestryman or Sheriffs Hand is but Reasonable for neither are any Vestrymen obliged or ever doe give Security to Account therefore.

And as to the Quakers Contributeing to the Charge of the Militia, Your Answer is very wide of the Recomendation which is that seeing the Quakers Scruple bearing Armes in person her Majesty thinks fitt that they should be compelled to hire or otherwise Supply Such men who may be Capable and fitt to do their duty and Service in that Station.

And tho this board are not for having anybodys Person Executed before a day in Court given to hear his Defence Yet we are desirous to render every Branch in the Act for the better ordering and regulating the Militia as Efficacious as may be Therefore wish You would award Execution ag^t the body of such Freeman upon their Default Certified by two

feild Officers Provided such Fine Exceed not one hundred pounds of Tob^o at one time and this will not be a greater Violence to Liberty then the power given to Justices to hear and determine small Debts, who may award Execution for two hund^d pounds of Tobacco against the body.

Original
Journal.
p. 88

Signed p order W Bladen Cl Concil.

Mr Leach and Mr Wells bring up the engros^t Bill for killing Wolves and Crows which was Read and Assented to by the Councill and sent to the house by Coll Hamond.

The Said Mr Leach and Mr Wells bring up the following Engros^t Bills viz^t.

A Bill for reviving the Act Prohibitting the Importation of Bread Beer Flower &c.

A Bill for reviving the Act for Speedy Conveying of Publiq Letters &c And

A Bill reviving the Act Directing the Sherriffs Office which were read the first & Second times and sent to the house by Coll Hamond with the

Bill Impowering a Committee to Lay the Publiq Levy read the first and Second times.

Mr Muschamp brought up a Bill for continuing the Land Law in force.

Cap^t Richard Jones brought up a Bill requiring the Lord Baltmores Agents to Certify in the Secretarys Office the Instructions & Conditions of Plantations with the Fees by them Demanded was read and Endorsed will pass with the Amendments and Sent to the house by Coll Ennals.

The Bill for taking off six pence p Gallon on Rum Brandy Sperritts and Wine Imported over Land from Pensilvania read and considered & Endorsed that Proper methods are taken for Securing that Duty which this Board thinks very requisite to be Continued being well Satisfied that if it hinders some Small Summ of money coming to the Publiq Yet it Prevents farr greater sumes to be drawne out of the Province from Private People the Pensilvanians taking nothing from us but our Bills of Exchange and Money in Specie.

p. 89

Sent to the house by Coll Jenkins.

Memorand To gett a List of Taxable Persons Christian Men Women and Children to Send for England.

The Bill for Continuing the Act for ascertaining the bounds of Land read and Considered.

Whereas his Ex^{ncy} has received her Majestys Comands to the Assembly the Retrenching the Several Articles and Matters therein contained, which the Lord Baltimore complained of in his Ex^{ncys} presence whilst in England and which he has

Original Journal. often done by laying them before this Assembly in Sundry Sessions thō they have allways neglected to do anything therein.

p. 90 Wee cannot Advise his Ex^{ncy} farther to Continue or revive the said Law being Continued contrary to her Majestys Intentions to keep it on foot without the Satisfaction required given the Lord Proprietary

Sent to the house by Coll Lloyd with the foregoing Endorsement.

M^r Gray brought up two Engrossed Bills one for reviving the Act for Speedy Conveying of Publiq Letters. Another Bill for reviving an Act for Prohibiting Bread Flower Wheat &c from Pensilvania w^{ch} were read and assented to by the Councill and sent to the house by Coll Ennalls.

M^r Maclaster brought up a Bill appointing Court days for Queen Anns County which was read the first and second times and sent to the house by Coll Coursey.

M^r Hudson brought up two Engrossed Bills the one for reviving the Law for Directions to the Sherriffs Office and the other Impowering a Comittee for laying the Publick Levy which were assented to by the Councill and Sent to the house by Coll Lloyd.

The Councill adjourned till nine of the Clock on monday morning

Munday April the 14th 1707

The Council Sate Present

His Ex ^{ncy} the Govern ^r		
{ Thomas Tench Esq ^r	M ^r Sanders	}
{ Coll Hamond	Coll Ennalls	
{ Coll Jenkins	M ^r Coursey	
Coll Lloyd		

M^r Gouldsborough from the house acquaints his Ex^{ncy} that the house of Delegates upon the Report of their members Present at M^r Hills Examination and reading the Depositions against him had Proceeded to Expell him the house of which they had sooner acquainted his Ex^{ncy} and this Boarde but that they had not received any written Message from the Councill Board Intimating the said M^r Hills Offence.

M^r Colegate with two Engrossed Bills Viz.

A Bill for appointing Court days in Queen Anns County, And

A Bill requireing the Lord Baltmores Agents to Publish the Conditions of Plantations and oblige his Lordshipsps Surveyors to qualifye themselves according to Law.

Assented to by the house of Delegates which were read and Assented to by the Councill and sent to the house by Col Coursey. Original Journal.

M^r George Platers Warrants for payment to his Excellency the nine Pence and three pence p Hhd and three pence p Tonn for the year 1704.

Signed p order of the Councill

M^r Macall with the Publiq Levy Bill w^{ch} was againe read and past with Amendments and sent to the house by Coll Ennalls & Col Coursey.

M^r Muschamp with a Bill to prevent the Inhabitants of An- napolis from raising and keeping horses &c. p. 92

Which was Read and will Pass with the Amendments that every Qualified Ordinary Keeper keep Three horses and four Calves but no Sheep Piggs or Goats but what are in Penns or Styes and every owner of an Improved Lott to keep two Calves for every such Lott and one horse

Sent to the house by Coll Ennalls & M^r Coursey

Signed p order W Bladen Cl Concil

After which M^r Hudson and M^r Maclaster Bring from the house as followeth Viz

By the House of Delegates
Aprill the 14th 1707.

Upon reading and debateing Your hon^{rs} Message of the 12th Instant by Col Ennalls relating to Some Depositions against M^r Joseph Hill, this house are of Opinion the said Depositions ought to be Entred upon our Journall that day The Same was here read in the house, Upon which M^r Hill was Expelled, Therefore this House pray Your hon^{rs} to Concurr that those Depositions be now Ent^{red} in their Proper Place

Signed p Order W Taylard Cl h D

After which Coll Ennalls was Sent to the house with the said Depositions and to desire they may be Close Sealed up untill M^r Hills Tryall was over p. 93

And the House agreeing thereto The Clarke of this Board was Sent to Seale them up which he says he has done.

M^r Stone brought up the Engrossed Bill for apportioning the Publiq Levy Assented to by the House of Delegates which was likewise Assented to by the Councill and Sent to the house by Coll Coursey.

Original
Journal.

The boarde finding the house of Delegates do not Answ^r their recomendation to furnish the Clarke of this Boarde with necessary Penns Inke Paper Wax and Wafers to supply his office. And that he has had no Allowance since Aprill 1704 when he was allowed Six pound in money on that Score in Considera^{con} of his having Supplied what was necessary at his owne Charge ever Since. And of his Extraordinary Trouble in Attending and Officiating in three Severall Sessions of Assembly Anno 1704 for which the Clarke of the house of Dell was well Considered doe order him to be paid out of the Publiq Stock four thousand pounds of Tobacco.

Ordered likewise that he take & receive for all Bills of Naturalization and other Private Bills as well of this Session as heretofore the Same Allowances as made to the Clarke of the house of Delegates.

The Councill Adjourned till nine of the Clock tomorrow morning.

p. 94

April 15th 1707

The Councill Sate Present as Yesterday.

Maj^r Low and six other members bring up the following Address, viz^t

To the Queens most Excellent Majesty

The Humble Address of Your Majestys most dutiful & Loyall Subjects Your Governour Councill and Assembly of Your Majestys Province of Maryland in America.

In all humble manner beseeching Yo^r Ma^{ty} to give us (whose Persons not hearts are so ffarr removed from Your Royall Presence) leave to Prostrate our Selves at Your Royall Feet and shew unto Your Majesty that the Lord Baltemore & M^r William Penn by the Especiall Grace and Favour of Your Majestys Predecessors obtained two Large and Royall Grants the former for the Province of Maryland and the Latter for the Province of Pensilvania; and which is a Younger Grant than the former by many Years and the bounds of the said Provinces are Contiguous and severall of Your Majestys Subjects of Pensilvania have obtained Grants from M^r Penn or his Ministers and have made Settlements thereby within the Northern and Eastern bounds of Your Majestys Province of Maryland and
 p 95 upon Such Lands as has been heretofore Granted by his Lordp to Severall Persons within this Province but now Claimed by and ascerted to be within the bounds of M^r Penns Grant by the Ministers of the Government which has allready Caused great disputes & Suites at Law and uneasiness among Your Majestys Subjects to the great Loss and Impoverishment of Your Majestys Subjects in each Province.

Wee do humbly pray that Your Ma^{ty} will be graciously
Pleased in Your Princely wisdom to give Your Royall Direc-
tions to the s^d Lord Baltemore and M^r William Penn to Settle
and Adjust their respective bounds of the two Provinces
whereby Your Majestys Subjects may be Secured and Quiett
in their Possessions & Settlements; And wee as in duty bound
will Pray for your Majestys Long life and happy Reigne over us.

Original
Journal.

Which was Signed by his Excellency & her Majestys honble
Councill and M^r Speaker in behalf of the house of Delegates.

Coll Holland Coll Ennals and M^r Coursey was sent to the
house of Delegates to Acquaint them that his Ex^{cy} was ready
to receive them.

Whereupon M^r Speaker and the Gentⁿ of the house came
up to the Councill Chamber and presented to his Ex^{cy} the fol-
lowing Bills Viz^t

A Bill Supplementary to the Act for Townes.

A Bill for Attainder of Richard Clarke

A Bill to prevent the abuse of Breaking open Publiq and
Private Letters &c

A Bill for Releif of Tho^s Manning &c^a

p. 96

A Bill ag^t Forging & Counterfeiting fforeign Coyns &c^a

A Bill preventing The Exportation of Tobacco before the
Dutys payable be paid.

A Bill for Suspending durement the Queens pleasure the
Prosecution of Romish Priests &c^a

A Bill Confirming Knightons last will & Testament.

A Bill for Removall of Thomas Howell &c^a

A Bill for Recording severall Copies of Wills &c^a

A Bill for Naturalization of John Francis Holland &c

A Bill for Explaining Some doubtfull Expressions in the
Act for Officers Fees.

A Bill giving power to the Farmers of the Lord Baltemores
Rents to recover their Arrears.

A Bill for Repealing the Act against Exportation of European
Comoditys.

A Bill to continue the Sherriffs of Talbott Kent and Cecill
Countys their Right to Execute for Publiq Dues.

A Bill Restraining Masters of Shippes and other Vessels
from Defacing Tobacco Freight &c

A Bill for Releif of Debtors & ascertaining the manner of
Tenders in Tobacco &c

A Bill for Killing Wolves & Crows.

A Bill reviving the Act for Prohibiting the Importation of
Bread & Bear &c.

A Bill reviving an Act for Speedy Conveying of Publick
Letters &c^a

A Bill reviving An Act of Directions for the Sherriffs Office

p. 97

Original
Journal.

A Bill Appointing Court days in Queen Anns County

A Bill requireing the Agents of the Lord Baltemore to Publish the Conditions of Plantations

A Bill for Apportioning the Publick Levy.

To which said Acts his Ex^{ty} on behalf of her most Sacred Majesty was pleased to Assent & willing them to be Laws sealed them with the great Seale of this her Majestys Province and Signed them with his hand. After which he was Pleased to bespeak the members of the house of Delegates as followeth viz^t

Mr Speaker and you Gentⁿ Delegates.

Since the Present Session is Ended (wherein you have had no delay from me or this Board) I recommend to you the Peace of the Severall Countys you returne to, which I thinke at this time Absolutely necessary to redress the many Rogueries which have been hatched & are carrying on to disturbe us.

When I am well Satisfied the Armes & Amuniton in this Place are well Secured without the Present Guarde I'll dismiss the Soldiers, being as Tender of puting the Country to unnecessary Charges as any Gentⁿ that sits in the Assembly.

By the Advice of her Majestys Councill I shall speedily
p. 98 send a boat well manned to demand from the Government in Carolina some Prisoners fled from the Justice of this Province.

I could well have wished You to have joyned with us heartily in the Matter of Itinerant Justices so kindly recomended by her Maj^{tye} But since You have not shall with the Advice of her Majestys hon^{ble} Councill here Settle that Matter as I am directed.

Gentlemen

This seems like to be the last Session of this Present Assembly as to the Continuance according to the Course of Parliaments in England; Yet lest some Suddain Emergency should happen have thought fitt to Prorogue You. And you are accordingly hereby Prorogued untill the 14th day of June next from which time You shall have due notice of Your meeting or being further Prorogued; But in Case You Shall not be Convened before the fifth of September next This present Generall Assembly is now declared to be then dissolved.

W. Bladen Cl. Concil

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a Session held at Annapolis, March 26-April 15, 1707.

CHARLES CALVERT, LORD BALTIMORE

Proprietary.

JOHN SEYMOUR,

Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland S^ct

L. H. J.
p. 95

At a General Assembly held for the Province of Maryland at the Port and Town of Annapolis the 26th Day of March in the sixth year of the Reign of our Sovereign Lady Queen Ann &^{ta} Annoq Dom. 1707

His Excellency John Seymour Esq^r then Governor &^{ta} At which Time the House being called the following Members met according to Prorogation.

The Honble Thomas Smith Esq^r Speaker

Saint Mary's City George Muschamp

Saint Mary's County { M^r Thomas Beale
M^r William Watts
M^r Peter Watts

Balto. Co. { M^r James Philips
M^r James Maxwell
M^r Francis Dallahyde

Kent County { M^r William Frisby
M^r John Wells

Som^t County { M^r John Waters
M^r Joseph Gray
M^r John Jones
M^r John Macclaster

Ann Arundel Co. { M^r Samuel Young
M^r Charles Greenberry
M^r Joseph Hill
M^r Richard Jones

Talbot County { M^r Thomas Smithson
M^r Rob^t Goldsborough

Dorchester County wanting

Calvert County { M^r Robert Skinner
M^r John Mackall
M^r Thomas Howe
M^r John Leach

Cecil County { M^r William Pearce
M^r Eduard Blay
M^r William Dase

L. H. J.

Charles County { Mr John Contee
Mr James Smallwood
Mr William Stone
Mr Gerrard Foulke

Prince George's { Mr Robert Tyler
County { Mr Sam^l Magruder
Mr Robert Bradley

Mr William Aisquith a member for Saint Mary's County, Mr Tho^s Greenfield Prince George's County, Mr Thomas Frisby Cecil County, Mr Nicholas Lowe Talbot County all wanting Mr Elias King and Mr Henry Coursey deceased.

The House being met it is ordered That Mr Robert Goldsborough, Mr Robert Bradley, and Mr William Stone attend his Excellency at the Council Chamber and acquaint him this House is met according to Prorogation and are ready to receive his Excellency's Commands.

Ordered by the House That Mr Joseph Gray and Mr John Jones desire the Rev^d Mr Wootton to attend this House in the morning at seven and Afternoon at five O'Clock for Divine Service

The Gentlemen ordered to attend his Excellency enters House and say they delivered their Message and that his Excellency was pleased to say he will forthwith send for Mr Speaker and the whole House

The House adjourned till to Morrow Morning seven O'Clock.

p. 96

Thursday 27th March 1707

The House met again according to Adjournment, and being called over were present as yesterday.

Ordered That Mr Joseph Hill, Mr Robert Skinner, and Mr Robert Tyler be and are appointed a Committee for Election and Privileges. And Mr Thomas Smithson, Mr Charles Greenberry, Mr William Stone, Col^o John Contee be and are appointed a Committee of Laws

And Mr Joseph Hill Mr James Philips and Mr John Leach for stating and allowing publick Accounts.

There being several Members wanting in the House who are deceased therefore Ordered Mr Speaker issue his warrant to her Majesty's Secretary for issuing 2 Writs for Election of Burgesses Viz^t One to Kent County for a Member to serve in the Room of Mr Elias King deceased; and another to serve for Talbot County instead of Mr Henry Coursey.

A Message from the Honble Council by the Honble Thomas Tench and William Holland Esq^{rs} who acquaints Mr Speaker

that his Excellency and Council commands him and the whole L. H. J. House to give their immediate Attendance at the Council Chamber. Thereupon they attended his Excellency at the Council Chamber where his Excellency was pleased to declare to them by his Speech as follows Viz^t

Mr Speaker and you Gentlemen Delegates

Since we are obliged to follow and observe the Sanctions of our great Pattern, the Parliament of England, we may well conclude (unless some extraordinary Occasion calls for your Assistance) our Meeting now will be the last Session of this present Assembly.

And that Posterity may not put an ill Gloss on our good Meaning I earnestly recommend to you a serious Retrospection into some Laws not long since revised and left now more ambiguous than at first; and the amending others lately made which we intended for good Ones by the House; but are in Reality re infecta particularly that of erecting Ports and Towns which seems not to be sufficiently coercive in some of the most material Branches. Another to outlaw Richard Clarke whose Crimes are so notoriously aggravated they cry aloud for Justice; and therefore cannot doubt of your ready Concurrence in an effectual Clause for the future Ease and Quiet of her Majesty's good Subjects nor the rectifying and amending the others while it is in your Power which will sufficiently testify your good honest Intentions to after Ages

Gentlemen, I am very glad to give you a remarkable fresh Instance of her Gracious Majesty's good Inclinations towards us of this Province in a late Instruction I received to appoint four Itinerate Judges that every Man without the Fatigue and Charge of coming hither may have Justice done him in his own proper County; This Gentlemen, will be a true Encouragement to propagate good Learning and Literature in the Country, that your Posterity may qualify themselves to perform the Duties of the highest Stations; for at present that seems to be absolutely necessary since her Majesty you Judges born within your own Bounds which is really so inducing a Consideration, you will, I hope, like good Subjects ever gratefully acknowledge Her Majesty's Honble Council have with me truly considered of the most proper Methods to render this her Majesty's Royal indulgent Care of us most effectually good to the Public, and shall transmit you a Scheme drawn up by the best Advice we could procure, which I doubt not will encourage your ready Assistance in a Matter of such Moment to All; if any Disputes should arise how these Judges should be supported, I would never have you forget by whose Authority you sit, and on all Occasions to remember our Royal Sover-

L. H. J. eign's just Commands are too sacred to be trifled with or neglected: therefore pray pardon this early Friendly Caution, whilst it's now in your Option to have the publick Levys of the Country circulate within your own Bowels lest others should be sent from Home and you directed by Authority to disburse it.

Gentlemen, The Model intended will not put the Province to so great a Charge as it lies under at present; if we take off the excessive unnecessary Allowance from the several Sheriffs for transporting or conveying Letters which is a general Grievance; by their neglecting the Delivery of them in any reasonable Time and gives Opportunities to designing evil Persons to open and peruse them to the Detriment of many Traders and the eternal Scandal of the Conveyers, without any Sort of Benefit to the Government or any Person whatsoever but themselves; next reducing the sitting of the County Courts to four Times in the Year, and the whole expence of the Provincial Court &^{ta} Please to calculate the Charge designed to be saved you will find it very considerable.

M^r Speaker, I have fresh Commands about Sir Thomas Lawrence who alledges he has Injustice done him. I never injured that Gentleman in any manner whatsoever to my Knowledge, therefore hope you will find out some way to ease me from his clamorous Complaints; and if the House has put any Hardships on his Office without considering he holds it by Patent under the Broad Seal of England let it be redressed A God's Name.

I am ordered likewise to lay the Conveniency of M^r Dummerie's Packet Boats before you whereby the Government on this Continent may very probably hear from England every six weeks; as the Plantations in the West-Indies constantly do; for Correspondence is the Life and Soul of Trade: Why should not we endeavour to reap so experimental a Benefit with our Neighbours and Fellow Subjects for such an inconsiderable common Gratiuity as Postage? therefore heartily recommend M^r Dummers Proposals to your Consideration.

Gentlemen,

p. 98 As there is a Necessity for making some new short Laws to preserve the Dignity of the Government, the Peace of Your Country and every honest Man's lawful Property and Credit, I have directed M^r Attorney General to draw up two or three, which shall be sent from this Board for your Approbation & Concurrence Viz^t. To prevent all Persons disaffected to her present Majesty's Government from forging and dispersing false and scandalous Reports of Affairs in Europe &^{ta} during this psent war Another for punishing of all Coiners of false

Dollars, Pieces of Eight &^{ta} and distributing them for good L. H. J. ones and of laying a Fine on all Openers of other Men's Letters which villainous Practice is so frequently used in this Province (and abhorred every where but in an Enemy's Country) to our great Scandal, for the Right Honble M^r Secretary alledges his Letters to me have not 'scaped the knavish Inspection of those Sort of Men. There are others I shall presume to communicate to the House of Burgesses by Message.

And now M^r Speaker and you Gentlemen Delegates give me Leave to remind you of my own small Concern, the Rent of my House with necessary Repairs and Amendments about it and the Out-Houses; for without those little Additions I could expect no comfortable Being.

Gentlemen: I can never believe it was any Disgust to my Person or a Slight to her Majesty's Directions in that Point, you refused building the Governor a House (which our Neighbours at first word granted to theirs) but the low unfortunate Circumstance the poor Province laboured under, for which Reason I refused 15th a Year above the Rent I stand at, when you were pleased to offer it, and let the Matters rest without any Reluctancy or uneasiness till we knew each other better.

Therefore as you never found me Mercenary or tricking I cannot doubt your Justice in this Trifle. What have I expended amounts to £ 47..13..6 to the Truth of which I can solemnly depose. I have observed in some Speeches of a Predecessor a very ingenious winning passage, That he had put the country to no Charge. It's true I have, but be so just as to consider those were Halcyon Days of Peace and Tranquility mine of War and Hurly burly abroad and at Home, which threaten us anew But I appeal to every Gentleman here present to justify me in the Truth of this modest Assertion; That what has been laid out by my Directions was for Your Honour Safety and Service without any manner of Prospect to myself or Family. Your small Stock of Arms are well fixed, our Ammunition good and useful, and think it my Duty while I am Your Governor to have it constantly preserved for the publick Service from all Homebred Villains and every Enemy to our Monarch & Country.

What Designs are carrying on to bring such Trouble and Expence upon us the House shall be Acquainted with not without Hopes by your prudent Timely Assistance to defeat and punish the Ringleaders for their new concerted Barbarity; which surely I can never fail of from Gentlemen whose Integrity and Ability the Freeholders of this Province were so well assured of unanimously to choose for Burgesses to serve and use your utmost Endeavours to preserve our Liberties and this our lawful Constitution.

L. H. J.
p. 99 Let me therefore engage your serious Consideration at this Juncture how the Government may be truly safe and supported against the present and all other daring Insults whatsoever that you and yours may be happy in succeeding Generations which your vigorous unanimity now may settle and establish to your lasting Satisfaction and Honour.

Which being ended M^r Speaker and Members return to the House and M^r Speaker having reassumed the Chair directed the Committee. And that his Excellency's Speech be read in the afternoon. This House adjourns till two O'Clock in the Afternoon.

Post Meridiem

The House met again according to Adjournment M^r Francis Dallahyde a Member for Baltimore County appearing but forasmuch as he is commissioned to Serve in the Office of High Sheriff of that County

Therefore ordered he withdraw and return into his County.

And ordered by the House That writ of Election issue for a Member to serve in his Stead.

M^r William Aisquith's Letter of Excuse for his Absence Read and allowed by the House.

Col^o Maxwell, M^r Greenfield, M^r Tyler and M^r John Wells appointed by the House to be a Committee to hear Aggrievances.

M^r Hugh Ennalls, M^r John Hindson, M^r Joseph Ennalls, Members for Dorchester County enters the House and took their places

Petition of Charles Beale for Allowance of Soldier's Pay, Read and referred to the Committee of Accounts to inspect into the Journals to see what Satisfaction has been made them; and if not fully satisfied that the Committee take it into Consideration for Allowance; and if they find M^r Beale the Lieutenant be not fully paid that there be a further Allowance made him as Lieutenant.

His Excellency's Speech was read again and ordered the same be answered. Which being prepared was read in the House as follows Viz.

May it please Your Excellency.

We have considered Your Excellency's favourable and loving Speech and of her Majesty's Royal Proffers to us, which you therein mention, we humbly and dutifully acknowledge her special Grace and Favours, and return our hearty Thanks; which Proffer with all other Things recommended by your Excellency we will take into Consideration together with the Capacity of this Province and shall according to our Ability

be ready to consent to any Thing that in our Judgments shall L. H. J. be to her Majesty's Honour and Service and the Good of this Province (which are inseperable) that we may deserve the Continuance of her Majesty's Gracious Inclinations towards us.

Your Excellency's Government we acknowledge discreet p. 100 and easy. Wishing you Health and that with your own Inclinations and her Majesty's Favour you may long continue our Governor

Signed p Order W. Taylard Cl. Ho. Del.

Which being read and approved of by the House, its ordered that Col^o Contee Major Charles Greenberry, M^r William Stone, Col^o Maxwell, M^r John Macclaster, M^r William Frisby, M^r Peter Watts, M^r Hugh Eccleston, M^r Robert Tyler, M^r Thomas Beale, M^r John Hudson, and M^r Robert Bradley attend his Excellency and Council with the said Answer to his Excellency's Speech.

The Writ for Election to Baltimore not being returned. Ordered by the House That Aquila Paca late Sheriff of that County forthwith attend this House and bring with him the Indenture for Election of John Hall a member for the said County whereof he is not to fail.

The Gentlemen appointed to carry up the Answer to his Excellency's Speech enter the House.

They return and say they delivered the same.

Ordered That Saturday next be a Day appointed to debate Matters relating to Towns.

Committee of Election and Privileges enter the House and report they have examined the Indenture for Election of M^r Roger Woolford to serve for Dorchester County and that they found the said M^r Woolford was duly elected.

Thereupon ordered he be called into the house.

M^r Roger Woolford appears and ordered M^r Hugh Eccleston, M^r John Hudson and M^r Joseph Ennalls to attend him to the Council Chamber to see him qualified.

They return and say they have seen him qualified and sworn.

The House adjourns till seven o'clock to morrow morning.

Friday 28th March 1707

The House again met according to Adjournment, and were all present as yesterday, and M^r Roger Woolford a member for Dorchester County. M^r Thomas Greenfield by a Gentleman gave Account that he is at present much indisposed by the Gout: Therefore desired to be excused. Which was granted him.

Upon reading his Excellency's Speech the House proceed to debate the same Viz.

L. H. J. As to the first Part wherein his Excellency recommends the Retrospection of some Laws that want Amendment, being read, is referred to further Consideration.

Likewise was read the second Clause in his Excellency's Speech relating to Itinerant Judges, was by the House debated : And ordered That the Committee of Laws prepare and draw up a Bill and lay before the House for their Consideration. Upon reading the Petition of M^{rs} Susannah Mason, Executrix of Robert Mason late Treasurer of the Western Shore

Ordered the same be referred to the Committee of Accounts to make Search to know how John Perry Post had his last Payment of £50 Sterling for his Salary and make Report thereof to the House.

p. 101 The Petition of George Valentine relating to the Tipstaff Bearer, Read and rejected. And upon reading of that Part of his Excellency's Speech relating to some Charge his Ex^{cy} expended on Repairs and other Necessaries belonging to the House he lives in its ordered by the House that he be allowed his Charges amounting to £47-13-6 and £15 p Annum House Rent.

Thomas Tench Esq^r and Col^o William Holland enters the House and delivers M^r Speaker a Petition of Inhabitants upon and near Patuxent River in Ann Arundel County praying a Town to be appointed at a Place called Pig Point. Indorsed By his Excellency and Council in Assembly March 28th 1707. The within Petition being read at this Board is recommended to the House of Delegates.

Signed p Order W Bladen Cl. Co.

Which being read is referred to further Consideration. And the House adjourns till two o'Clock in the Afternoon.

Post Meridiem. The House met again according to Adjournment and being called over were all present as in the Morning.

Moved by a Member that forasmuch that Col^o Thomas Smithson has not had his Allowance for his Attendance on the Provincial Court in May last therefore prayed &^{ta} And it is ordered by the House that M^r Govert Lookerman Sheriff of Dorchester County pay him 808 Pounds of Tobacco lodged in his Hands for Part of his Pay, and the Remainder to be allowed him by the Committee of Accounts.

The Petition of Abraham Taylor of Baltimore County Read and debated in the House was rejected.

Bill constituting Itinerant Judges and declaring their Dutys Read the first Time and ordered it lye on the Table till

Wednesday morning for the members Perusal and better Consideration. L. H. J.

The Honble Col^o Francis Jenkins and James Sannders Esq^r enter the House and deliver M^r Speaker Petition of the Inhabitants of Somerset County relating to Towns. Referred till to Morrow Morning for Consideration

His Excellency's Speech being again read and debated its ordered the third Paragraph relating to Sir Thomas Lawrence be answered by Message. Col^o Jenkins and M^r James Saunders from the Council enter the House and deliver M^r Speaker Petition of the Inhabitants of Calvert County for removing their Court House. And Petition of the Inhabitants of Piscattaway Hundred in Prince George's County for a Town and the Petition of the Inhabitants of Calvert County all ordered to be considered of to Morrow Morning.

The Petition of Thomas Howell of Cecill County being read and debated its ordered a Bill be brought in for Relief according to the Prayer of the Petitioner p. 102

The House adjourns till to Morrow Morning seven o'clock.

Saturday 29th March 1707

The House met again according to Adjournment being called over were all present as yesterday.

Petition of the Inhabitants of Ann Arundel County praying a Town at a Place called Pig Point. Read and the Petition granted.

Ordered a Bill be brought in. Another Petition of some Inhabitants of said County praying a Town to be erected on Patuxent River opposite to Queen Ann's Town Read and granted.

Ordered a Bill be brought in.

The Petition of some Inhabitants of Calvert County for removing their Court House to Hunting Town in Hunting Creek being read and debated. And the Petition of some other the Inhabitants of the said County for erecting a Town at Battle Creek and to continue the Court House being likewise read and debated. And Resolved the Court and Court House remain where it now is.

The Petition of George Harris read praying three Acres of Land whereon he has made several Improvements may be taken within the Bounds and Limits of the Town called Nottingham Which being debated is granted

The Petition of the Inhabitants on the South Side of Wiccomoco in Somerset County for removing the Port and Town from Green Hill being here read Col^o Jenkins, M^r Levin Denwood, Captain Gale and M^r Worthington are admitted into

- L. II. J. the House and being heard what they had to say to the Petition Ordered they withdraw. And there was brought in another Petition of some Inhabitants of Wiccocomoco and Nanticoke Hundred for continuing the said Town at Green Hill; being both read and debated: It's Resolved the Town and Port continue where it's now erected at Green Hill.

The Honble Col^o John Hammond and Col^o Edward Lloyd from the Council enter the House and deliver M^r Speaker a Message relating to Sir Thomas Lawrence and M^r Dumers Packet Boats with the Lords Commissioners of Trades Letter and Instruction relating to Sir Thomas Lawrence. The Consideration is further referred.

The Honble Thomas Tench Esq^r enters the House and delivers M^r Speaker a Message relating to the Provincial Justices. Ordered it be read and considered of on Monday Morning.

The Honble James Saunders Esq^r and Col^o Ennalls enters the House and delivers M^r Speaker the following Bills

Bill against counterfeiting foreign Coin of Gold or Silver Indorsed March 29th 1707 Read in Council the first Time and recommended to the House of Delegates

Signed p Order, W Bladen Cl. Council.

- p. 103 Bill against Divulgers of false News Indorsed March 29th 1707 Read in Council the first Time and recommended to the House of Delegates.

Signed p Order W Bladen Cl. Co.

Bill preventing the Exportation of Tobacco out of this Province before the Duties payable be paid Indorsed March 29th 1707 Read in Council the first Time and recommended to the House of Delegates.

Signed p Order, W Bladen Cl Council.

The Honble Thomas Tench and Kenelm Cheseldine Esquires from the Council enter the House and deliver M^r Speaker a Message together with the Law for Ports and Towns made in Virginia. Which Message follows Viz.

By his Excellency the Governor and Council in Assembly
March 29th 1707

His Excellency having taken Care to procure a Copy of the Law for Ports and Towns lately made in Virginia has sent it for your Perusal and Consideration that you may observe

therein what may be any ways for the Conveniency of this L. H. J. Province and give you equal Encouragement to trade with our Neighbours: And when the House have perused and Considered of it, we desire it may be returned for our Inspection

Signed p Order W Bladen Cl. Co.

The Petition of Thomas Smith Esq^r and other Gentlemen Inhabitants of Kent County praying Leave to bring in a Bill for to confirm Land purchased for a Court House and a Town and Port to be there erected &^{ts} Read and Granted.

Resolved a Town be erected at Sassafra River upon Land purchased of M^r Bennett

The Petition of some Freeholders of Anamessex River in Somerset County Indorsed 28th March 1707 By his Excellency the Governor and Council in Assembly. The within Petition being read at this Board is referred to the House of Delegates who are desired to hear Col^o Francis Jenkins thereto

Signed p Order W Bladen Cl. Co.

Col^o Jenkins being called into the House he appeared, and the Petition & Indorsement were read in the House And the House having heard what he had to say he withdrew. Which being debated put to the Question whether the Town of S^t George's at Anamessex be continued a Town or that it may be laid out anew according to the antient Bounds? Carried by Majority of Votes that the Town continue as the same have been lately laid out.

The Petition of the Freeholders of Prince George's County praying a Town to be laid out on Piscattaway River, Read and Resolved the Petition be granted

The Petition of the Inhabitants of Charles County praying a Town to be erected at Nanjemy being here read is granted And the Petition of some Gentlemen of Charles County for reviving Benedict Leonard Town being read is granted.

The House adjourns till seven O'Clock Monday morning

Monday Morning 31st March 1707

p. 104

The House met again accord^s to Adjournment. Being called over were all present as on Saturday only M^r Tyler being sick the House being so informed by M^r Magruder is excused.

The Petition of the Commissioners of Cecil County Read this Day and Resolved That a Town be erected and a Court House built on Elk River at the Place called Captain John's Creek where a Town was formerly laid out.

L. H. J. The following Message brought into the House by Col^o Hammond and Col^o Lloyd Read as follows.

By his Excellency the Governor and Council in Assembly
March 29th 1707

Herewith his Excellency is pleased to send you a Copy of that Part of his Commands signified by the Right Honourable the Lords of the Committee of Trade & foreign Plantations in favour of Sir Thomas Lawrence her Majesty's Secretary of this Province which is again recommended to your best Consideration that Satisfaction may be given his Complaints Or otherwise in Case you have Reason to believe any Hardships are put upon him as to his Office pray in Respect to her Majesty's Patent do him what Justice is in Your Power, and that as speedily as may be.

M^r Dumer's Proposals concerning Packet Boats and the Right Honourable the Lords of Trade and Plantation's Letter in favour thereof is likewise sent you and this Board do recommend that you will give what Encouragement and Assistance you can to so good a Design which will tend much to the Advantage of Trade in this Province. Signed p Order
W Bladen Cl. Co.

Which foregoing Message being read and debated in the House it's resolved the following Message be sent in Answer thereto Viz.

By the House of Delegates March 31st 1707

May it please Your Excellency.

This House have considered the Message from Your Excellency and Honours relating to Sir Thomas Lawrence's Complaint to the Right Hon^{ble} the Lords of Trade and Plantations about the ordering Licences and they are of Opinion That that Complaint contains no more than what was contained in a former Complaint made by the said Sir Thomas to their said Lordships about that Matter and to which this House gave a sufficient Answer the last Session of Assembly which by this Time they hope is before their said Lordships and so needs no further Answer at this Time. As to that Part of the Message relating to M^r Dummers the House desire to know what Methods M^r Dumers will propose to render his Packet Boats useful or profitable to this Province and how and by what Means M^r Dumers may have Satisfaction in Case such Proposals may take Place and be put in Practice

Signed p Order W Bladen Cl. Co

Which being read was approved of and sent up to the L. H. J. Council by M^r Muschamp and M^r Mackall. They return and say they delivered their Message.

Col^o Jenkins, Col^o Lloyd, M^r Cheseldyne, and Col^o Ennalls ^{p. 105} enter the House and delivers M^r Speaker a Message with the Model relating to Itinerant Justices.

Ordered to be read in the Afternoon.

Bill against Divulgers of false News Read the first Time and resolved it will not pass. Col^o Jenkins enters the House and delivers M^r Speaker Petition of some Inhabitants on the South side Wiccomoco River in Somerset County praying a Town &^{ia}.

Read in the House and granted.

Col^o Hammond and Col^o Lloyd enter the House and deliver M^r Speaker a Message with some Depositions sealed up. Ordered it be read and referred till Afternoon. Bill for preventing the Exportation of Tobacco out of this Province before the Duties payable be paid. Indorsed March 29th 1707. Read in Council first Time and recommended to the House of Delegates
Signed p Order W Bladen Cl. Co.

Which was read in the House the first Time and committed for Amendments

Bill against counterfeiting of foreign Coin of Gold and Silver Indorsed March 29th 1707

Read in Council the first Time and recommended to the House of Delegates.

Signed p Order W Bladen Cl. Co.

Read in the House the first Time and committed for Amendments

Col^o Edward Lloyd from the Council enters the House and delivers M^r Speaker a Petition of Major Wilson's and a Bill to prevent the breaking open and concealing publick and private Letters &^{ia}

Referred till the Afternoon. The Petition of Philemon Lloyd Esq^r Read in the House and ordered it be read again in the Afternoon

The following Message was read and ordered to be entered Viz.

By his Excellency the Governor and Council in Assembly
March 29th 1707

Least any the members of the House of Delegates should not be sufficiently satisfied of her Majesty's Royal Commands for reducing the Number of the Provincial Justices to four of

L. H. J. the fittest and discreetest Persons in this Province who are likewise to be appointed Justices Itinerant to go the Circuits through every County; if the House think fit to appoint a select Number of their Members his Excellency will give them better Satisfaction by reading before them her Majesty's Gracious Instructions therefore

Signed p Order W Bladen Cl. Co.

Which said Message being read it is ordered by the House that M^r Robert Bradley, M^r Joseph Hill, M^r Hugh Eccleston, M^r John Mackall, M^r Robert Skinner, M^r John Waters, M^r Robert Goldsborough, and M^r Edward Blay attend his Excellency to hear her Majesty's Instructions.

And ordered the following Message be sent.

By the House of Delegates March 31st 1707

p. 106 May it please Your Excellency,

Upon reading Your Excellency's Message of Saturday by Thomas Tench Esq^r relating to her Majesty's Royal Commands concerning Itinerant Judges &^{ta} this House have ordered and appointed a select number of members to attend Your Excellency when you shall please to give Orders

Signed p Order W. Taylard Cl. Ho. Del.

Which being read ordered that M^r Hudson and M^r William Stone carry the same up to his Excellency. They return and say they delivered the same.

The House adjourns till two O'Clock Afternoon

Post Meridiem. The House met again according to Adjournment Being called over were present as in the morning and M^r Samuel Magruder who informed the House of M^r Tyler's Indisposition that he could not attend the House and was excused.

The Hon^{ble} Thomas Tench and Col^o Hammond enters the House and delivers M^r Speaker Col^o Smithson's Petition and Message relating to Towns in Ann Arundel County; the Consideration whereof is longer referred

M^r Aquila Paca late High Sheriff of Baltimore County according to Order of this House made his Appearance and delivers M^r Speaker a Counterpart of an Indenture for Election of M^r John Hall a member for that County and declared that he returned the Original a long Time since. Upon which he withdrew.

And ordered the Committee of Election and Privileges take L. H. J. with them the said Indenture and withdraw upon the said Committee

And soon after they return and enter the House and report to M^r Speaker that M^r John Hall was duly and legally elected a member to serve for Baltimore County aforesaid.

The Message p Col^o Jenkins, Col^o Lloyd, Kenelm Chesyl-dine Esq^r and Col^o Ennalls together with a Model relating to Itinerant Judges, being read it's ordered that the same lie on the Table till Wednesday next for the members Perusal

The Honble Col^o Smithson's Petition was ordered to be read and entered Viz.

Maryland March 31st 1707

To his Excellency the Governor and her Majesty's Honble Council and this House of Delegates in this General Assembly.

The Petition of Thomas Smithson publick Treasurer on the Eastern Shore humbly sheweth,

That your Petitioner lately since this present War had Eight sets of Bills of Exchange delivered him by the Naval Officers in Payment of publick Debts, all which taken & lost and yet (notwithstanding the Loss of them) your Petitioner hath answered and paid to the Public the several Sums of those Bills, tho, he had not received the Money of those Eight Sets, that is to say, John Green's Bills £ 10..11..8 and one John Lowe's Bills £ 5..0..0 both amounting to £ 15..11..8 and there is nobody to apply to, to get new Bills; therefore your Petitioner craves he may be allowed the money next Levy, having paid the same to the Public, of his own Stock.

And your Petitioner as in Duty bound shall pray Indorsed as follows Viz.

Tho^s Smithson

By his Excellency the Governor and Council in Assembly
March 31st 1707

Upon reading the above Petition the Request therein is thought reasonable and it is recommended to the House of Delegates that Col^o Smithson be allowed therefor and in Case he can by any Means hereafter recover the money he be accountable to the Country for the same.

Signed p Order W Bladen Cl. Co.

Which being read and debated in the House it's put to the Question whether the Petitioner shall have an Allowance or not? Carried in the Affirmative and ordered that Col^o Smith-

L. H. J. son be allowed £ 15..11..8 and if hereafter he recover it, to be refunded

The Gentlemen appointed to attend his Excellency to hear read her Majesty's Instructions relating to Itinerant Justices ordered to withdraw for that Purpose. Soon after the return again and acquaint M^r Speaker they heard that Instruction read to them.

Upon reading the Message brought into the House relating to Richard Clarke It is ordered That Col^o John Contee M^r Robert Bradley, M^r William Frisby, M^r John Watters, and Col^o Pearce be and are appointed a Committee to examine Evidences upon the matter contained in the Message and report it to the House

Took the Message and Depositions and withdrew Col^o Edward Lloyd enters the House and delivers M^r Speaker two Petitions of Queen Ann's County, the Consideration whereof referred till to morrow morning Upon reading the Message relating to Towns in Ann Arundel County. As to the first Part this House do resolve, that longer Time be given them, for laying out their Towns and the latter Part referred till to Morrow for further Consideration.

Bill for preventing the Abuse in breaking open publick and private Letters

Indorsed Viz. March 31st 1707. Read in Council the first Time
Signed p Order W Bladen Cl. Co.

And ordered to be read. Which being read in the House was thus indorsed

Eodem Die

Read in the House the first Time and do pass The House adjourns till to Morrow Morning seven O'Clock.

p. 108

Tuesday April the first 1707

The House met again and were all present as yesterday

And M^r Nicholas Lowe a member for Talbot County appeared and took his Place

M^r John Hall a member for Baltimore County called into the House He appeared and ordered that Col^o James Maxwell and M^r James Philips attend his Excellency and Council to see him qualified to serve

The Petition of Kent Island and some Inhabitants of Queen Ann's County was read with the Indorsment following Viz. By his Excellency the Governor and Council in Assembly.

The within Petition being read at the Board is referred to the L. H. J. House of Delegates and it's recommended that M^r Lloyd and M^r Tilghman and other Gentlemen in Town be heard to the Petition.
Signed p Order W Bladen Cl. Co.

Likewise Ordered the Petition of the Inhabitants of Queen Ann's County be read with the Indorsment and a Message that came with it as follows Viz.

That whereas the Platt or Draft of Queen Ann's County having been laid before this Board and the same fully inspected into and debated thereon, it was the unanimous Opinion of the said Board that the Plantation of Major John Hawkins in Coursey's Creek being nearest the Center of the said County is the most proper and convenient Place for the Town and Court House to be fixt on Therefore it is referred to the House of Delegates for their Consideration Likewise the Plat of Talbot County laid before the Board as above together with the Petition of the Inhabitants of the said County for the Court House being fixt at the Town of Doncaster in Wye River, which has also been inspected into, and the Opinion of the said Board given that the said Town of Doncaster is the most proper and convenient Place for the said Court House to be fixed. Which is likewise referred to the Consideration of the House of Delegates. Signed p Order

W Bladen Cl. Co.

And thereupon M^r Philemon Lloyd, M^r Tilghman and M^r Wright were called into the House appeared and M^r Speaker having heard what they had to say on that Petition they withdrew. Which being debated, Put to the Question whether a Town and the County Court House shall be erected and settled on the Plantation of M^r John Hawkins in Coursey's Creek, or not?

Carried by Majority of Votes that a Town be erected at M^r Hawkins Plantation in Coursey's Creek and the Court House to be built and fixt there.

Resolved a Town be erected on the Land of M^r William Sweatnam in Coursivall Creek in Chester River

The Hon^{ble} Thomas Tench Esq^r enters the House and delivers M^r Speaker a Message relating to M^r Dumer's Proposals referred to further Consideration

The Petition of some Inhabitants of Talbot County for settling the Court House brought in by Col^o Lloyd and M^r William Coursey together with a Draught or Platt of Talbot and Queen Ann's County, being read in the House

Ordered M^r Sherwood, M^r Robert Finely, M^r Ward, and p. 109
Major Hawkins attend the House to speak to the Petition.

L. H. J. Being present M^r Speaker was pleased to hear what they had to say thereto and so withdrew

The Petition was again debated in the House.

Resolved by the House of Delegates That the County Court House be erected and settled at Oxford.

The House adjourns till two O'Clock in the Afternoon.

Post Meridiem The House met again and being called over were all present as in the Morning.

Ordered That the Sheriff of Ann Arundel County summons M^r John Duvall to appear before this House to Morrow Morning 9 O'Clock whereof he is not to fail.

The Hon^{ble} John Hammond Esq^r from the Council enters the House and delivers M^r Speaker Enion Williams Petition and John Nicholls Petition which last being read it is ordered that John Nicholls Petition be referred till M^r Nicholas Lowe appear in the House.

Col^o Hammond likewise delivered M^r Speaker a Letter directed to his Excellency John Seymour Esq^r Captain General and Governor of Maryland. Indorsed in Council Viz. By his Excellency the Governor and Council in Assembly April first 1707 The within Letter is recommended to the Consideration of the House of Delegates

Signed p Order W Bladen Cl. Council

Ordered the same lye on the Table for further Consideration

The Message relating to To Towns in Ann Arundel County was again read & ordered to be entered Viz.

By his Excellency the Governor and Council in Assembly
March 31st 1707.

His Excellency has been informed that through the Remissness of the Commissioners appointed for laying out Towns in this County or the Shortness of Time whereto they were confined and limited the Town at West River is not laid out, nor the Town and Port of Annapolis is not yet surveyed according to Law and that most of the Lots in the Town and Port are ingross'd in three or four People's Hands to the great Discouragement of the Neighbours, who would build and inhabit therein, could they have the Opportunity of taking up Lots, which is left to the Consideration of the House

Signed p Order W Bladen Cl. Co.

This Message being before debated in the House the first Part was considered of and the House now proceeds to con-

sider of the latter Part relating to the Town Lots in the Port of Annapolis. Which being debated, it is resolved That all such Persons that have taken up any Lot or Lots in the Town and Port of Annapolis since making the late Law has no Right to the same; for that the late Law has not been yet executed. L. H. J.

The Committee of Accounts enters the House and delivers M^r Speaker Lieut^t Charles Beall's and M^{rs} Mason's Petition with their Report thereon, which is referred to further Consideration.

The Petition of Encon Williams of Talbot County was read in the House, thereby praying Redress for some Aggrievances therein set forth. p. 110

Whereupon it was debated and resolved a Bill be brought in for Relief of Debtors and Persons under Execution

Col^o Hammond, Col^o Lloyd and Col^o Holland from the Council enters the House and delivers M^r Speaker a Message relating to the Lord Baltimore's Agents and their Address to his Excellency referred for further Consideration

Thomas Tench Esq^r enters the House and presents M^r Speaker a Bill suspending (during the Queen's Pleasure) the Prosecution of the Priests of the Roman Communion incurring the Penalties of the Act to prevent the Growth of Popery in this Province &^{ta}

Indorsed By his Excy the Governor and Council in Assembly
April first 1707 W. Bladen Cl. Co.

Read the first time

Ordered it be read in the Morning.

Ordered by the House That a Committee be appointed to view the Prison and make Report to the House in what Condition it now is and whether the same was first built according to the Contract with M^r Bladen

Col^o Blay, M^r John Leach, M^r Roger Woolford and M^r Robert Skinner are for that Purpose appointed, and ordered to make their Report to the House forthwith.

The House adjourns till to Morrow Morning 7 O'Clock.

Wednesday April 2^d 1707.

The House met again according to Adjournment, and being called over were all present as Yesterday, and M^r Robert Tyler enters the House.

Read what was done Yesterday.

The Petition of the Hon^{ble} Philemon Lloyd relating to Secretary's Fees was read in the House and M^r Lloyd p Permission

L. H. J. enters the House and brought with him the original Law for Officers Fees and then withdrew

Which Law being read the House thought fit and do order that the original Bill be brought into the House and then this House will further consider

His Excellency's Message to this House relating to M^r Dumer's Proposals was again read in the House and is referred till to Morrow Morning for Consideration.

M^r Charles Carroll, Agent for the Lord Baltimore his Memorial was read this Day and Debated.

It is Resolved a select Committee be appointed to make Answer thereto ; and Ordered That Major Nicholas Lowe, M^r Robert Bradley, M^r John Hall and M^r Robert Tyler be appointed a Committee for that Purpose.

Bill for suspending (during the Queen's Pleasure) the Prosecution of the Priests of the Romish Communion incurring the Penalties of the Act to prevent the further Growth of Popery in this Province Indorsed By His Excellency the Governor & Council in Assembly first April 1707. Read the first Time
Signed p order W Bladen Cl. Co.

And indorsed By the House of Delegates April 2nd 1707
Read in the House of Delegates the first Time
Signed p Order W Taylard Cl. Ho. Del.

The Committee appointed yesterday to enquire into Col^o Beal's Complaint enters the House & delivers Beal's Petition and their Report thereupon which was read and ordered to be entered Viz.

p. 111 To his Excellency the Governor her Majesty's Honble Council and the Delegates of the Assembly now convened.

The Petition of Col^o Ninian Beall.

Most humbly representeth to your Excellency and this Honble Assembly That notwithstanding he hath been very instrumental in extending his Lordships the Lord Proprietary's Territories upon the Frontiers of Potowmack and elsewhere in Prince George's County, for some years last past he has been very ill treated by Col^o Henry Darnall and M^r Charles Carroll his Lordship's Agents, and other his Lordship's Surveyors, so that in many Things they deny him common Justice and extremely opprest him to his utter Impoverishment. As first in denying him Patents for a Tract of Land called Darnall's Good Will and for one other Tract called Turkey Thicket, and for one thousand Acres lying on the Freshes of Choptank in Dorchester County and in divers other particulars too long

here to enumerate; That your Petitioner being reduced to L. H. J. great Poverty so that he is not able to procure Lawyers to maintain and prosecute his just Right against them humbly prays this Honble Assembly will appoint a Committee to enquire into your Petitioner's Aggrievance and the unfair and indirect Practices of his said Lordship's Agents and Surveyors, And he shall ever pray. Indorsed.

By his Excellency the Governor and Council in Assembly
April 1st 1707

The above Petition being read and this Board duly reflecting on the many good Services the Petitioner has done the Country as well as his Lordship it's recommended to the House of Delegates that they will examine into the Petitioner's Complaints and see that Justice be done him.

Signed p Order W Bladen Cl. Co.

The Committee appointed by the House to enquire into this Complaint being Col^o James Maxwell, Capt. John Wells, M^r Nicholas Lowe, and M^r Robert Bradley enters the House and reports that they having called before them Col^o Henry Darnall, M^r Charles Carroll and Col^o Ninian Beall and they having examined into the Complaint of the said Beall do likewise report that they are of Opinion that the said Beall has no just Cause of Complaint against the said Darnall or Carroll. But whereas the said Beall complained against several of his Lordship's Surveyors for Injustice done him and they not being here to answer for themselves Col^o Darnall and M^r Carroll informed the Committee that the several Surveyors have given Bond with good Security for due Performance of their Offices which Bonds the are ready to assign over to any Person damni-fied through their Neglect or Misapplication of their Office to any Person for their Recovery of their Right by due Course of Law. Which being both read and heard in the House it is resolved the House concurs therewith.

The Petition of M^r John Hall and M^r James Philips on Behalf of themselves and other Inhabitants of Baltimore County praying a Town to be erected on a Place called Taylor's p. 112 Choice and there to settle the Court House was read and granted

The Petition of Robert Givan and his wife referred to this Session was read in the House and it is further referred to next Assembly for to be considered of.

Major Josiah Wilson's Petition complaining of the Deficiency of the Prison &^{ta} was here read and debated.

L. H. J. It's resolved that M^r William Bladen the Undertaker of building the Prison do make good what is deficient.

Proposed by a Member whether it be not for the Good and Benefit of the Country that 6^d Part of the 9^d p Gall. the Duty on Rum be taken off, it's thought to be beneficial.

Therefore resolved the same be taken off as proposed.

Kenelm Chesylaine and James Sanders Esq^r enters the House and delivers M^r Speaker a Message together with a Representation of the Grand Jury of Saint Mary's County for removing the Court House; the Consideration whereof is further referred. The House adjourns till two O'Clock Afternoon

Post Meridiem.

The House met again according to Adjournment and being called over were present as in the Morning.

The Petition of John Nicholls praying Leave to bring in a Bill of some Lands of Edmondson's for Payment of a Debt due to him was again read and debated and ordered to be indorsed thus Viz^t April 2nd 1707 Upon reading the Petition this House find that a Law has already past for Major Lowe to dispose of the Land therefore this House thinks fit to proceed no further therein

Signed p Order W. Taylard Cl. Ho. Del.

The Petition of Henry Roberts referred to this Session was read in the House with the Indorsment from the Council and ordered the following Message be likewise indorsed on the Petition Viz,

By the House of Delegates April 2nd 1707

May it please your Excellency, This House taking into Consideration the Petition of Henry Roberts and the Indorsment thereon from your Excellency and Honble Council do think it proper to send the Petition back to your Excellency and Honours in Order to have the Examination begin before you where the witnesses may be examined upon Oath and then sent to this House in Order to give this House Satisfaction that a Bill may be brought in as prayed by the Petition

Signed p Order W Taylard Cl. Ho. Del.

Which being read it's ordered M^r Leach and M^r Mackall carry up the same to his Excellency and Council. They return and say they delivered the same.

The Gentlemen appointed to view the Prison &th having made their Report to this House is ordered to be read and entered as followeth.

By the Committee for viewing the Prison.

L. H. J.

April 2nd 1707

It is reported to the House that in Obedience to the order of the House we have viewed the said Prison and do find the same as to the Stone Work to be according to the Agreement made with M^r William Bladen upon the Journals of the House the 19th of July 1699 and May 17th 1701, but as to the Timber work we find the Joists are not of so large a Scantling as p the said Agreement is required and the Distance between them is from Eight to twelve Inches when by the Agreement they ought to be but six. As to the Roof we find it very defective there being but seven Pair of Rafters in the whole and no Ceiling in the Roof whereas by the Agreement it ought to be ceiled with Oak Inch Plank throughout the whole Roof. p. 113

We are also of Opinion that to make the said Prison sufficient there be a Joist put in between every one of the Joists already laid of six or seven Inches square that the Plank be well and sufficiently nailed to all the Joists and that there be a Purloyn well fixed under the Ceiling Joists and two good Rafters from the Purloyns to the End of the Joists on both sides the House betwixt each Pair of Rafters already placed. And as many ceiling Joists and two Studs betwixt every Stud already up to be ceiled all round the Roof and under the ceiling Joists with Inch Oak Plank well nailed.

Signed p Order Richard Dallam Cl. Com.

Which Report being read the House find that M^r William Bladen the Undertaker has not performed his Agreement with the Country. Therefore it's resolved he make good what is deficient as reported

The Message of this Day brought in by Kenelm Chesydine and James Sanders Esq^r was read and ordered to be entered Viz.

By his Excellency the Governor and Council in Assembly

April 2nd 1707.

This Board having been several Times importuned by divers Petitions from the County of Saint Mary's to have the Court House of the said County appointed in the Center thereof the holding of Courts at Saint Mary's being represented by the Grand Jury as a great Aggrievance to the major Part of the Inhabitants there do recommend to the House of Delegates that a short Act of Assembly be made for appointing the said Court House to be built at a small Town to be erected at Briton's Bay being within two miles of the Center of the whole County and the better to enable the said County to build such

L. H. J. new Court House that Commissioners be appointed to make a good Sale of the Court House at Saint Mary's Town and the present Interest of the Country to one hundred Acres of Land there and the Rent and Reversion of the Country House saving the Rights of particular Persons who have built and taken up Lots and paid for the same there being 30000 lb Tobacco offered therefor which is conceived will be sufficient to build a convenient Court House for the said County

Signed p Order W. Bladen Cl Co.

Which being here read and debated it is resolved the Court House continue where it is in Saint Mary's Town.

The Petition of the Members of Dorchester County on Behalf of themselves and other Inhabitants there praying a Town on a Point of Land called Philips Point in Hunger River. Read and granted. The House adjourns till to Morrow Morning 7 o'Clock

p. 114

Thursday April 3^d 1707.

The House met again according to Adjournment and being called over were present as Yesterday.

Read what was done Yesterday

Samuel Norwood's Petition read and referred till the Afternoon

James Sanders Esq: enters the House and delivers M^r Speaker the following Message

By the Governor and Council in Assembly April 3^d 1707

It's recommended to the House that before they come to a final Resolution about removing Saint Mary's County Court House they will hear the Hon^{ble} Kenelm Chesydline and M^r Cornelius, Inhabitants of that County.

Signed p Order
W Bladen Cl. Co.

Read and answered as followeth.

By the House of Delegates April 3^d 1707.

In Answer to the Proposal of hearing M^r Chesydline and M^r White as to the Removal of the said Court House of Saint Mary's County, this House Yesterday came to a Resolve that the County Court shall still remain and be kept where it now is at Saint Mary's, And therefore there is no need of hearing M^r Chesydline and M^r White to that Matter.

Signed p Order W. Taylard Cl. Ho. Del.

Sent up to his Excellency and Council by M^r Muschamp and L. H. J. M^r Beale.

They return and say they delivered the same.

His Excys Message by M^r Tench of the first of April 1707 relating to M^r Dumer's Proposals was again read and ordered to be entered Viz.

By his Excellency the Governor and Council April 1st 1707.

In Reply to the House's Request by M^r Muschamp and M^r Mackall desiring to know by what Methods M^r Dumer proposed to render his Packet Boats useful to this Province or what Satisfaction he would require therefor we give you to understand that M^r Dumer proposes to put the same Method in Practice of sending his Packet Boats to the Continent as now used to the West Indies so that the Merchants Letters will come to us at the Rate of Eight Pence a single Letter and sixteen Pence a double one. The said M^r Dumer makes his Proposals to all the Neighbouring Governments and if they close with him he will set on foot otherwise it will not be worth his while; so that if we encourage the said M^r Dumer by writing him we are willing to embrace his Offers on those Terms it will be a means to promote it otherwise a total Discouragement which would be great Pity.

Signed p Order W. Bladen Cl. Co.

Upon reading the same it's put to the Question whether this House will agree to the Proposals or not? Carried by Majority of Votes that this House will not agree thereto.

Bill for suspending the Execution of the Law against Popish Priests &^a Read the second Time and do pass.

Bill to prevent the breaking open and concealing publick and private Letters, Read the second Time and ordered there be a new Clause inserted to compel Sheriffs to do their Duty

Thomas Tench and William Holland Esquires from the p. 115 Council enter the House and deliver M^r Speaker the following Message.

By his Excellency the Governor and Council in Assembly
April 3^d 1707

The House of Delegates is desired to direct the Committee lately appointed to inspect and peruse the Depositions herewith sent and to examine Major Wilson what he had heard William Stinson say and declare.

Signed p Order W Bladen Cl. Co.

L. H. J. Which being read the House concurs therewith and ordered the Committee go out as desired.

The Petition of some Gentlemen of Talbot County relating to their Court House and a Petition of M^r George Harris referred to further Consideration

Col^o William Holland and James Sanders Esq^r enter the House and deliver M^r Speaker Henry Roberts Petition which with the Indorsment thereon is ordered to be read and entered.

To his Excellency the Governor and her Majesty's Honble Council and the House of Delegates of the Province of Maryland.

The Petition of Henry Roberts son of Andrew Roberts and Brother of John Roberts late of Ann Arundel County most humbly sheweth,

That your Petitioner's said Father in his life time stood seized of a certain Tract of Land in this Province lying at the Head of Rhode River in Ann Arundel County containing 100 Acres, which by his last Will and Testament he devised to the said John Roberts your Petitioner's Brother who intermarried with Eleanor one of the Daughters of Mareen Duvall but so it happened about a half year after her Marriage she eloped from her said Husband and cohabited with one John Campbell of Baltimore County by whom after six years Absence from her Husband she had a son which she always declared John Campbell to be the Father of, as your Petitioner by very positive Proofs can make appear and never returned to John Roberts her Husband. That the said John Roberts afterwards purchased of the Lord Baltimore another Tract of Land called Robert's Choice containing 1010 Acres being on Back River in Baltimore County and soon after dyed mutual Reconciliation being had between him and his said wife.

Now so it is, may it please your Honours since the Death of the said John Roberts the said Bastard son of the said Cambell so begotten as aforesaid hath taken upon himself the Name of John Roberts tho' always before went by the Name of John Cambell and pretends to be the lawful son and Heir of your Petitioner's said Brother intending thereby to defraud your Petitioner of the aforesaid two Tracts of Land who in Right and Conscience is and ought to be the Heir at Law of his said Brother.

Your Petitioner therefore humbly prays your Honours that upon Sufficient Proof made to such Committee or Persons as you shall think fit to appoint to take the same you will be favourably pleased to give leave to bring in a Bill to declare
p. 116 the said Issue of the said Eleanor to be illegitimate and your

Petitioner the lawful and rightful Heir of his said Brother L. H. J.
And as in Duty bound shall ever pray

The foregoing Petition was indorsed thus Viz.

By his Excellency the Governor and Council in Assembly

April 3^d 1707.

This Board have received full Satisfaction to the within
Petition and recommend that a Bill be brought in according to
to the Prayer thereof. Signed p Order W Bladen Cl. Co.

Which being read and debated it's put to the Question
whether a Bill be brought in or not?

Carried by Majority of Votes there be no Bill

M^r Lloyd's Petition again read and put to the Question
whether the Fee for Continuance be 24 or sixteen Pounds of
Tobacco? Carried by Majority of Votes that the Fee for
Continuance in Chancery as aforesaid be charged at sixteen
Pounds Tobacco.

And Resolved That 28 Pounds of Tobacco be allowed for
an Execution as formerly.

Ordered That a Bill be brought in for that Purpose and as
to the word (not) left out of the late Art it is recommended to
the Committee that the same be explained in the Bill.

The House adjourns till two O'Clock in the Afternoon

Post Meridiem The House met again according to Adjourn-
ment. Being called over were present as in the Morning.
And M^r Thomas Greenfield enters the House and took his
Place.

The Petition of George Harris of Prince George's County
read.

M^r Harris enters the House p Permission to speak to his
Petition and being heard what he had to say withdrew. And
the Petition being debated, it's resolved that the consideration
thereof be further referred till Tuesday next.

And ordered that notice be given to the late wife of Charles
Ridgely now called Deborah Clagett to appear here to make
her Defence.

The Petition of some Gentlemen of Talbot County for set-
tling their Court House was read and debated in the House.
It's resolved thereupon That there be Conference with some
Members of the Honble Council upon the matter in the
Petition contained as is desired.

Major Nicholas Lowe, M^r Robert Goldsborough, M^r John
Waters, M^r Hugh Eccleston, M^r Robert Skinner and M^r Roger
Woolford are appointed Conferees therein

L. H. J. Ordered That the Bill for Confirmation of Kingston's will lye on the Table till to morrow morning and then this House will proceed to debate the same

The following Message being prepared was read in the House and ordered to be entered Viz.

By the House of Delegates April 3^d 1707.

In Answer to the Message requiring a Conference about the placing the Court House of Talbot County this House have appointed a select number of their members who will be ready to confer with the honble Council as soon as your Excellency and Honours shall give Orders for it

Signed p Order W Taylard Cl. Ho. Del.

p. 117 Which being read and approved of was sent up to his Excellency and Council by M^r Hugh Eccleston. He returns and says he delivered the same.

Bill for constituting Itinerant Judges &^{ta} Read the second Time and being debated, put to the Question whether the Bill shall pass with Amendment or not? Carried by Majority of Votes that it do not pass.

Bill for suspending (during the Queen's Pleasure) the Prosecution of Romish Priests &^{ta}

Sent up to his Excellency and Council by Col^o Blay and M^r Joseph Ennalls for their Hon^{rs} Concurrence

They return and say they delivered the Bill

The House adjourns till to Morrow Morning 7 o'clock.

Friday April 4th 1707

The House met again, Being called over were present as yesterday with the Addition of M^r Thomas Greenfield a member for Prince George's County.

Upon reading the Depositions and Papers relating to the late Disturbances; it is Resolved by this House That Application be made to his Excellency that he would please to give M^r Attorney General Orders to prosecute the Offenders

The Honble John Hammond, Col^o Lloyd, and M^r William Coursey enter the House and delivers M^r Speaker the following Message. Ordered to be read and entered

By his Excellency the Governor and Council in Assembly
April 4th 1707

His Excellency has been pleased to appoint the Honble Col^o Hammond Col^o Lloyd and Major William Coursey imme-

diately to confer with the members appointed by your House L. II. J. to hold the Conference about the Court House in Talbot County where the Conferees think fit

Signed p Order W Bladen Cl. Co.

Which being read it is ordered by the House That the Gentlemen appointed last night to attend, withdraw upon that Conference

Ordered the Report of the Committee relating to the late Disturbances be annex to the Journal. Upon reading his Excellency's Speech relating to the Act for Towns, and the Bill against Clarke ; It is resolved this House will prepare a Message in Answer thereto

Proposed by a Member whether it be not for the Conveniency of this Province to prohibit the Exportation of old Iron and Hides? Resolved it is highly necessary. And Ordered a Bill be brought in for that Purpose.

Bill for preventing the Exportation of Tobacco before the Duties payable be paid Indorsed 4th April 1707. Read again with Amendment and do pass

Sent up by M^r William Watts and M^r Thomas Howe for their Hon^{rs} Concurrence

They return and say they delivered the Bill.

Bill to prevent the Abuse in opening Letters and Packets &^{ts} Indorsed Read the third Time with a Clause inserted and do pass.

Bill for removing the Body of Thomas Howell from Cecil County to the Sheriff of Kent County &^{ts} Indorsed. Read the They first and second Time and do pass.

The two last Bills sent up by M^r Robert Tyler and M^r John Hudson for his Excellency and their Honours Concurrence. return and say they delivered the Bills. p. 118

Bill against counterfeiting foreign Coin &^{ts} Ordered it be indorsed thus, April 4th 1707 Read the second Time with Amendment and do pass.

Ordered That M^r John Wells and M^r Thomas Howe carry the same up to his Excellency and Council for their Concurrence. They return and say they delivered the Bill

Ordered the Petition of the Gentlemen of Dorchester County be carried up to the Committee of Laws.

Brought into the House a Bill for Relief of Debtors under Execution.

Ordered it lie on the Table to be read in the Afternoon

The Petition of some Inhabitants of Dorchester County brought into the House by Col^o John Hammond, Col^o Lloyd, and M^r William Coursey ; ordered to be read and entered Viz.

L. H. J. To his Excellency John Seymour Esq^r Captain General and Governor in Chief of the Province of Maryland

The Petition of Hugh Eccleston, John Hodson, Joseph Ennalls and Roger Woolford of Dorchester County on Behalf of several the Inhabitants

humbly sheweth

That about the year 1704 a certain Humphry Hubbard was constituted and appointed Deputy Commissary of the said County and during the said year and next year following did take the Probat of several Wills of several of the Inhabitants of the said County and thereupon granted Administrations as also did take the Inventories of several Estates and Accounts and Probat of the same made up before him according to the Act of Assembly in such Case provided And your said Petitioners further take Leave to inform your Excellency and Honours that in the year 1705 coming up to the Commissary General Court in Order to return the said Wills Inventories and Accounts into the said Office an Accident by Fire happened, whereby not only the Boat of the said Humphry was wholly consumed but also all the said Wills Inventories and Accounts were wholly consumed and turned to Ashes by which Means Sundry of the Inhabitants having Lands and Legacies bequeathed unto them by the said Wills and several Orphans and Creditors by the Loss of such Inventories and several poor ignorant People having exhibited and made up such Accounts and not having Copies of the same are likely and will if not remedied suffer very much some to their Disinheritance and Ruin.

The Premises considered your Petitioners humbly pray that a Bill may be brought in to relieve the said Sufferers by enacting that the Copy of the said Wills Inventories and Accounts now lodged in the Commissary General's Office and proved to be a true Copy by the Oath of the said Humphry may have the same Power and Effect in Law as the said Originals if they had not been burnt. And your Petitioners as in Duty bound shall pray, John Hodson, Roger Woolford, Joseph Ennalls, Hugh Eccleston.

Indorsed Viz. By his Excellency the Governor and Council in Assembly April 4th 1707.

This Petition is thought very reasonable and recommended to the House of Delegates that such a Bill be brought in.

Signed p Order. W. Bladen Cl. Co.

P. 119 Which said Petition being here read and considered it's ordered to be indorsed as follows April 4th 1707. Read and

recommended to the Committee of Laws to bring in a Bill for L. H. J. the Petitioners Relief. The House adjourns till two O'Clock in the Afternoon

Post Meridiem. The House met according to Adjourn^t.

Being called over were all present, as in the Morning

Bill for confirming the last Will and Testament of Thomas Knighton deceased

Read the first Time and by especial Order do pass, and ordered to be indorsed

The Gentlemen appointed to confer about settling Talbot County Court House entered this House and reported that upon hearing and arguing whether Doncaster or Oxford is the most convenient Place for settling and erecting the Court House for Talbot County it's thought by the major Part of the Conferees that Oxford is the more convenient Town for the Ease and Benefit of the Inhabitants of the said County to build the Court House in. Which being heard it's Ordered to be entered that the House concurs therewith

An Address to his Excellency being prepared and brought into the House was ordered to be read and entered as follows Viz^t.

To his Excellency John Seymour Esq^r Cap^t General and Commander in Chief of her Majesty's Province and Territory of Maryland

The humble Address of her Majesty's most dutiful and loyal Subjects the Delegates and Representatives of the Inhabitants of the several and respective Counties of this her Majesty's Province of Maryland now convened in a General Assembly.

Wherein first we give your Excellency our humble and hearty Thanks for that Peace and Tranquility which we have and do now enjoy under your prudent and auspicious Government humbly hoping that our Gracious Queen will be pleased to continue you long in this Government over us.

S^t. As you have added to our Tranquility many Advantages so we must not omit to express our Thanks to your Excellency for them lest we deservedly fall under the Censure of Ingratitude to so good and generous a Benefactor

We are very sensible of the great and dangerous Designs which have been carrying on by wicked People Enemies to her Majesty's Government to destroy the Records, Arms and Ammunition, this Town, and all that was necessary to render this Governm^t safe and secure, and we do in a very deep sense thereof return you our hearty Thanks for the great Care and Prudence you have shewed in the Preservation of all those

L. H. J. Things and the preventing the Effect of so dangerous a Conspiracy and we do humbly pray that your Excellency would be pleased to give Order to the Attorney General to prosecute all such Persons as now are or shall be found to be in the said Conspiracy. We also give your Excellency our hearty Thanks for the great Trouble and Care you have been pleased to put yourself to in procuring the Virginia Law for Settlement
 p. 120 of Ports in that Colony for our Perusal and Consideration, whereby we have been enabled to state Things (in Relation to Towns here) so as we hope not to be outdone by that Governm^t.

Sir, We want words to express our Gratitude to your Excellency but hope that that benign Temper with which you always treated us will excuse what may be wanting upon so solemn Occasion

Signed p Order W Taylard Cl. Ho. Del.

April 4th 1707 Which being read was approved of and likewise another Message brought into the House being also read and approved were sent up to his Excellency &^{ia} by M^r Robert Skinner, M^r John Hodson, M^r Joseph Ennalls, M^r John Mac-laster, M^r Peter Watts, M^r Joseph Gray, M^r Edward Blay, M^r Hugh Eccleston, M^r Magruder, M^r Robert Tyler, M^r John Watters, and M^r Roger Woolford.

The return and say they delivered the same.

Bill for confirming Knighton's will, sent up by M^r John Mackall, and M^r William Watts to his Excellency and Council for their Concurrence.

They return and say they delivered it

The additional Bill to the Act for Towns, read the first Time and committed for Amendment

The Message of yesterday mentioned to be read approved of sent up to his Excellency the Governor and Council with the Address ordered to be entered as followeth

By the House of Delegates April 6th 1707

May it please your Excellency,

This House has considered that Part of your Excellency's Speech relating to the Security of the Arms and Ammunition lodged in the Magazine in this Town, and this House is of Opinion that the Arms Ammunition will be best preserved and secured for the Service of the Country by sending proportional Parts of it into the Counties and committing of it to

the Care of the Chief Officers if your Excellency shall be L. H. J. pleased to approve thereof.

Signed p Order W Taylard Cl. Ho. Del.

The House adjourns till to Morrow Morning 7 o'clock.

Saturday 5th April 1707. The House met according to Adjournment Being called over were present as yesterday. Read what was done yesterday

The Petition of Cecil County Delegates being read Resolved a Town be erected as prayed for. Thomas Tench and James Sanders Esq^{rs} Col^o Holland and Col^o Jenkins enter the House and delivers M^r Speaker the following Message directed To the Honourable House of Delegates. Ordered to be entered as followeth

Gentlemen, I take your Address very kindly and am and shall be always glad that I have or may do the Province any Service in General or yourselves in particular. Being Gentlemen
Your Friend and Servant, John Seymour.

Col^o Hammond, Col^o Lloyd, Col^o Jenkins and Col^o Ennalls enter the House and deliver M^r Speaker the following Message

By his Excellency the Governor and Council in Assembly. p. 121

The House's Message in advising proportional Parts of the publick Arms and Ammunition to the several Counties and committed to the Care of the Chief Officers of the Militia in the said Counties has been read, and in Reply thereto we acquaint you, that the publick Arms & Ammunition are purchased out of the Quarter Part of her Majesty's Revenue of the 12^d p Hhd. granted by her Majesty for the Defence of this Province, and that altho' it be sometimes necessary for the immediate Safety and Defence thereof that some small Quantity of Arms and Ammunition may be lodged in the several Counties to be made use of by such who are not able to procure Arms at their own Cost (as required by the Act of Assembly for regulating the Militia) at the Chief Officer's Discretion upon a sudden Invasion or Incursion; yet in Regard a strict Account of the said Arms & Ammunition purchased with the 3^d p Hhd is expected to be given by the Government here is answerable therefor; and that it has been found by Experience the small Quantities of Arms and Ammunition heretofore lodged in the several Counties have been misused, spoiled, and lost, so that the greatest Part thereof are unfixt and consumed or rendered altogether useless. We

L. H. J. cannot advise his Excellency to sent to the several Counties, any more than what may be thought necessarily requisite for a competent Supplement But that pursuant to her Majesty's Royal Instructions a Place of Arms or publick Magazine of Arms and Ammunition be kept at the Towns and Port of Annapolis where the Arms and Ammunition may be well preserved and on all Occasions be distributed and applied as his Excellency shall see fit, and this being the Seat of Govern^t where her Majesty's Governor resides and the Courts of Justice are kept, and Records lodged, it will be highly necessary the House would consult some Measures for the Safety of the said Magazine here at this Town and Port. And in Order thereto since we cannot think the publick Arms well secured in the Place where at present lodged; therefore it is proposed (if the House are willing) the said Arms may be lodged in some of the spare Rooms of the Court House where they will be far more secure from Fire and preserved from the Dampness of the Air which occasions them to rust; and that a select Number of Arms belonging to Ann Arundel County be hung up in the Court House and fixed by Iron Bars and Pad Locks that they may not be handled or taken down, unless by those who have Authority so to do.

Signed p Order W Bladen Cl. Co.

Which foregoing Message by Col^o Hammond &^{ts} being again read it is resolved to be answered as follow Viz.

By the House of Delegates April 5th 1707

In Answer to the Message wherein 'tis proposed that a Room in the Court House be ordered for the Reception of the publick Arms this House do approve thereof and that the Room appointed for the Petit Juries be set apart for that Purpose, but as to the Arms applyed to the particular Use of Ann Arundel County, being laid up in the Court Room the House think that will not be convenient, but that the said Arms may be put into the Room where the publick Arms are appointed to be kept, if his Excellency do approve thereof. And as to the Security of Ammunition this House do pray a Conference with her Majesty's Council in Order to settle that Matter

Signed p Order W Taylard Cl. Ho. Del.

p. 122 Sent up by M^r Frisby, M^r Hodson, M^r Howe, M^r John Jones, M^r Grey, and M^r Woolford

They return and say they delivered the Message.

The Committee of Aggrievances enter the House and report as followeth Viz.

By the Committee of Aggrievances April 5th 1707

L. H. J.

It's humbly represented to the House as an Aggrievance to the Inhabitants of this Province that whereas several Masters of Ships and other Vessels trading into this Province on Freight, have for many years past for Lucre and Gain to themselves very much defaced, cut, and other Damages done to Tobacco to Persons that Freight the same on Board them so that when the same gets for England sells for little or no value by Reason of the Abuses aforesaid, which we humbly offer to the House for their Consideration in the Premises.

Signed p Order. John Beale Cl. Com.

Resolved it be an Aggrievance and ordered it be considered of on Monday Morning

Col^o Ennalls and William Coursey Esq^r enter the House and delivers M^r Speaker the following Bills.

Bill preventing the Exportation of Tobacco out of this Province before the Duties payable be paid.

Indorsed April 5th 1707. Read in Council the second Time & past
W Bladen Cl. Co.

Bill suspending (during the Queen's Pleasure) the Prosecution of Priests &^{ia} Indorsed April 5th 1707. Read in Council and past
W Bladen Cl. Co.

Bill to prevent the Abuse of breaking open and concealing publick and private Letters.

Indorsed April 5th 1707. Read the 2^d Time in Council and past for ingrossing.
W Bladen Cl. Co.

Bill for Thomas Howell's Removal &^{ia} Indorsed April 5th 1707. Read in Council the second Time and past.
W. Bladen Cl. Co.

Bill for confirming Knighton's Will &^{ia} Indorsed April 5th 1707. This Bill read the first and second Times and past
W Bladen Cl. Co.

The Bill preventing Abuses in breaking open Letters &^{ia} sent up to the Committee of Laws by M^r Maclaster. The House adjourns till two O'Clock Afternoon

Post Meridiem. The House met according to Adjournment and being called over were present as in the Morning.

M^r Robert Bradley shewing to the House his urgent Occasion to go Home had Leave given him to depart. And M^r

L. H. J. Hugh Eccleston added to the Committee for Inspection into the Land Law in his Stead

Proposed whether it be not necessary & for the Benefit of this Province to give greater Encouragement for killing of Wolves than the present Law directs? which being debated is thought to be of great Benefit and Resolved that 100lb Tob^o more added for further Encouragement to such Christian Inhabitants of this Province or their Families that shall kill wolves. And that such Inhabitants or their Families that shall kill any Wolves and bring their Head or Heads to a Justice of Peace (if required) shall make Oath thereto before Certificate thereof be granted.

The Petition of George Plater being read and considered of was ordered to be indorsed Viz.

By the House of Delegates April 5th 1707.

Upon reading the within Petition this House have ordered
 p. 123 that the Town at Beckwith's Island be again laid out and no Strand to be left but Places set out for convenient Forts, and publick Buildings according to the Direction of the Commissioners and that the Land on the Island (after the Places allotted for publick Buildings) be laid out into 100 Lots, to be inserted in the Act for Towns. W. Taylard, Cl. Ho. Del.

The House adjourns till Monday Morning seven O'Clock.

Monday April 7th 1707

The House again met according to Adjournment
 Being called over were present as on Saturday.

Ordered the Committee of Election and Privileges go upon their Committee and M^r Speaker having given them an Indenture from Baltimore County for Election of M^r Richard Colegate a member for said County and so withdraw

Bill prohibiting the Exportation of Tobacco before the Duties payable be paid

Bill for Thomas Howell's Removal &^{ta}

Bill suspending the Law against Roman Priests &^{ta}

Bill for confirming Knighton's Will &^{ta}

Which Bills were sent up to the Committee for Ingrossment

The Committee for Election and Privileges enters the House and reports as on the Back of the said Indenture followeth

By the Committee of Election and Privileges April 7th 1707.

Upon Inspection and Examination of the within Indenture it appears thereby that the within mentioned Richard Colegate

is duly elected to serve as a Delegate and Representative for L. H. J. Baltimore County.

Signed p Order Tho^s Bordley Cl Com.

M^r Richard Colegate enters the House and ordered M^r Hall and M^r Philips attend him before his Excellency and Council to see him qualified

They return and say they saw him sworn

M^r Richard Colegate a member for Baltimore County enters the House & took his Place. M^r Richard Colegate added to the Committee appointed to inspect the Land Law.

The Report of the Committee of Aggrievances in the Relation to the Abuse of Tobacco freighted was again read, and resolved a Bill be brought in for relief &¹² as follows

That all masters of Ships and other Vessels shall give Security Officers in Penalty of £ 100 Sterling that they shall not prize, squeeze, crop, lessen, diminish, or any otherwise deface any Freighters Tobacco that shall be taken on Board any such Ships or Vessels that do not exceed the Gauge of Hhds and likewise under the Penalty of £ 3 Sterling for every Hhd of Tobacco so defact upon Proof thereof made by the Oath of one Witness, or by a Certificate thereof made under the Hand and Seal of some Custom House Officer in England one third to her Queen's Majesty, one third to Informer, the other third to the Party grieved

3 That all Naval Officers be obliged to affix this Law in some publick Place in his Office on Pain of forty shillings.

Col^o Thomas Ennalls enters the House and delivers M^r p. 124 Speaker the following Message Viz.

By his Excellency the Governor and Council in Assembly
April 7th 1707

Upon the House's Message by M^r Frisby and five others desiring a Conference with some of her Majesty's Honble Council in order to consult the placing and Securing the publick Arms & Ammunition his Excellency has directed the Honble Col^o John Hammond, Col^o Francis Jenkins, Col^o Edward Lloyd, and Col^o Thomas Ennalls to confer with the members appointed by the House of Delegates to settle that matter upon the first Notice given them the Place to be appointed by the Conferees.

Signed p Order W Bladen Cl. Co.

Upon reading the foregoing Message it is ordered that Col^o John Contee, M^r Greenfield, M^r Young, and Col^o Pearce attend the Conference, and make Report thereof to the

- L. H. J. House Col^o Edward Lloyd enters the House and delivers M^r Speaker a Bill against forging and counterfeiting of foreign Coin of Gold or Silver.

Ordered to be read in the Afternoon.

John Francis Holland, a German his Petition praying a Bill for Naturalization, was read and granted; and ordered a Bill be brought in as prayed.

The House adjourns till two O'Clock Afternoon

Post Meridiem. The House met again according to Adjournment Being called over were present as in the morning.

The Petition of Thomas Manning of Calvert County being read in the House and granted that a Bill be brought in according to the Petitioner's Prayer.

The Gentlemen appointed on a Conference this Day for placing and Securing the publick Arms and Ammunition made their Report which was ordered to be entered as follows

Maryland ss. At a Conference held the 7th Day of April 1707 for placing and Securing the publick Arms and Ammunition of the Province aforesaid

Present

Of her Majesty's Honble Council { Col^o John Hammond, Col^o Francis Jenkins,
Col^o Edw^d Lloyd, and Thomas Ennalls
Esq^r.

Of the House of Delegates { Col^o John Contee, Col^o Thomas Greenfield,
Sam^l Young Esq^r and Col^o William Pearce

We do report that the Arms apportioned for the Use of Ann Arundel County shall be secured in such Order and Form as his Excellency the Governor shall think fit in the lower Room of the Court House and the Remainder of the Arms to be lodged in the first Room up Stairs on the Right Hand as formerly agreed on by way of Message.

And further we do report That the Ammunition be and remain in the Powder House where it's now placed with such Guards as his Excellency the Governor shall think fit to appoint for the security thereof.

Signed p Order. John Beale Cl. Com.

Which being read and debated in the House the following Message was ordered to be sent up to his Excellency.

By the House of Delegates April 7th 1707.

This House have considered the Report of the Conferees (relating to the Gunpowder) reported to this House that the

Powder remain in the House where it now is under such Guards as his Excellency the Governor shall think fit to appoint for the Security thereof which Report this House doth not concur therewith because that Method will entail a great and successive Charge upon the Country, but they had rather leave the said Powder in the House as it is without a Guard than put the Country to more Charge than the Powder is worth

Signed p Order W. Taylard Cl. Ho. Del.

Which being read and approved of was sent up to his Excellency and Council M^r Joseph Ennalls.

He returns and says he delivered the same.

Col^o Hammond and Col^o Lloyd enter the House and delivers M^r Speaker Tho^s Freeborne M^r John Freeman and Charles Kilburn's Petitions

Ordered M^r Kilburn's Petition be read in the House and being debated, Resolved it be rejected. And the Petition of M^r John Freeman read and referred till to morrow morning. And the Consideration of the Petition of Thomas Freeborn referred till to morrow morning

The Supplementary Bill to the Act for Towns read in the House the first Time and ordered that Major Nicholas Lowe M^r George Muschamp, M^r John Walls, M^r James Philips, M^r John Mackall, M^r John Maclaster, M^r John Hodson, M^r Richard Colegate and M^r Joseph Ennalls, carry up the same to the Council Board.

They return and say they delivered the Bill.

The House adjourns till to Morrow Morning seven O Clock.

Tuesday 8th April 1707

The House met according to Adjournment. Being called over were present as yesterday

Read what was done yesterday.

The Petition of Thomas Freeborn being debated is recommended to the Committee of Accounts to allow three thousand Pounds of Tobacco.

Thomas Tench Esq^r enters the House and delivers a Bill for Attainder of Richard Clarke together with the following Message.

By his Excellency the Governor and Council in Assembly
April 8th 1707.

The Bill herewith sent to the House for the Attainder of Richard Clarke is thought reasonable by this Board since

L. H. J. this is the second Time your House has ordered the Attorney General to prosecute him and his Accomplices and that hath been ineffectual and altho' there are now actually four Bills of Indictment found by several Grand Juries of this Province against him yet divers evil Persons have presumed to receive comfort, and aid him whereby he has been able to avoid Justice according to his Demerits sculking within ten miles of this Place, the Seat of Government, and practicing and carrying on his traiterous and wicked Designs.

Signed p W. Bladen Cl. Co.

Read and referred for further Consideration.

The Petitions of Col^o William Holland and Capt. Richard Smith upon some Differences relating to the Bounds of Land were read and fully debated and the said Gen^l being called into the House and their Arguments an both Sides being heard withdrew and the House again debated the Matter in the Petitions contained.

p. 126 This House resolved that a divisional Line formerly run out and marked between the said Richard Smith and William Holland by Edward Batston Surveyor Beginn^e at the third bounded Tree of the Tract called S^t James's, it being a White Oak and running thence North West half a Point northerly by a continued Course till it intersect the South Line of Brook's Partition shall be the divisional Bounds between the said Holland and Smith and that a Bill be prepared by the Committee of Laws to settle the same accordingly.

The House Adjourns till two O'Clock Afternoon.

Post Meridiem

The House met again. Being called over all present as in the morning.

The Petition of Edward Taylor of Dorchester County praying Liberty to bring in a Bill to confirm Land &th Read and resolved a Bill be brought in as prayed.

The Petition of M^r George Harris, praying Liberty to bring in a Bill for Sale of Land of Charles Ridgely deceased for Payment of a Debt to him was read in the House, and M^{rs} Deborah Clagett al's Ridgely and her Husband being called into the House to make their Defence against the Petition but being not acquainted in those Affairs prayed that her Council might be admitted. Which being granted, and by Permission the said Harris being present, the foregoing Petition was again read, and the Matter in the Petition being argued on both sides, they withdrew. And this House having considered

the Prayer of the Petit^r and fully debated the same, Resolved L. H. J. Nemine contradicente the Petition be rejected.

The Report of the Gentlemen appointed by this House last Session to agree with some Person to transcribe the Land Records was read and ordered to be entered We the Subscribers being by Virtue of a former Order of this House appointed to treat about the transcribing and amending the Land Records of the Province Do humbly certify to this House as followeth Viz.

That in Pursuance of the above Ordinance we did propose the transcribing of them to Thomas Jones who we looked upon to be a proper Person; but he first refused to agree for any Thing but money and some Time after did propose to have undertaken them for Part Money and Part Tobacco in this County which we could not agree to for any Thing by Reason of the Restriction laid upon us by this House and at another Time proposed to agree for Tobacco wholly but considering it would amount to a considerable Sum of Tobacco at the Rate proposed, and this Session being near we referred it to the Consideration of the House. And as to the binding Part we could not meet with any that would undertake it, which we likewise refer to this House Both which we humbly advise may be done in Regard they are liable to wear and tare more now in one month than if mended they would be in Twelve.

Samuel Young
Charles Greenberry.

Which being read in the House and fully debated it is resolv- p. 127
ed by the House That the Secretary for the Time being be obliged to preserve and keep all the Rolls and Records of his Office in good and Sufficient Repair at his own Charge for the future. And the other Part of the Gentlemen's Report is referred to further Consideration.

Col^o Holland and James Sanders Esq. enter the House and deliver M^r Speaker a Message, which is ordered to be read to Morrow.

Bill for recording several Copies of Wills relating to Persons in Dor. County

Read the first and second Time and by especial Order do pass

Sent up to his Excellency and Council by M^r Hugh Eccleston for their Concurrence.

He says he delivered it

Bill for Relief of Thomas Manning. Read the first Time and indorsed.

Bill for Relief of poor Debtors &^{ts} Read the first Time and indorsed.

- L. H. J. Bill for killing Wolves and Crows Indorsed
 Read the first Time
 Bill for Attainder of Richard Clarke. Indorsed
 Read the first Time
 Bill for Naturalization of John Francis Holland.
 Indorsed Read the first and second Time and by especial
 Order do pass.
 Bill explaining some doubtful Expressions in the Act for
 Officers Fees Read the first Time.
 Bill for taking off 6^d p Gallon on Rum &^{ta} Read the first
 Time.
 The foregoing Bills sent up by M^r Muschamp and M^r Beale
 for his Excy and Council's Concurrence. They delivered 'em
 The House adjourns till to Morrow Morning seven o'clock.

Wednesday April 9th 1707

The House met again according to Adjournment
 And being called over were all present as yesterday.
 The Petition of the Farmers of My Lord Baltimore's Rents
 being read it's recommended that the Lord Baltimore's Agents
 be heard and ordered that M^r Carroll be called into the House
 who appears and declared he had no Objection against the
 bringing in a Bill as prayed and withdrew.
 Resolved that Leave be given to bring in such Bill.
 Bill to prevent cropping cutting or defacing Tobacco &^{ta}
 Read the first Time
 The Message brought into the House by Col^o Holland and
 James Sanders Esq^r is ordered to be entered Viz.

By his Excellency the Governor and Council in Assembly
 April 8th 1707

- p. 128 1st Upon Perusal and Consideration of the last Clause or
 Paragraph in the Act providing what shall be good Evidence
 to prove foreign and other Debts which enacts that an Ac-
 count of Goods sold, Work done, Money lent, and such other
 Articles as lye properly in Accounts and sworn to by the Plain-
 tiff in an Action brought, or by the Defendant in his defence
 in Discount of all or Part of the Plaintiff's Claim before such
 Justice or Justices (Viz. one Provincial or two County Court
 Justices) and that no part or Parcel is paid other than what is
 taken notice of in such Oath shall be received as Evidence,
 We think that if such Proof were limited to Goods sold
 and Work done, it would be sufficient, and that money lent
 ought to be proved by a Note under Hand or by Receipt or

particular Assumption. And as to such Articles as lye properly in Accounts the Words are so general they serve to amuse the Justices, who often admit of large Proofs which tend to introduce Perjury and therefore we cannot but recommend it to your serious Consideration. L. H. J.

And whereas it is for the Honour of Almighty God that the Clergy of this Province should be supported and the Rites and Dues of our infant Church well secured. It is proposed that when or wheresoever it shall happen that any Part of 40 Tobacco p Poll or other Rights or Emolument belonging to the Church may happen to be lodged in any Persons Hands who shall die before they have satisfied and accounted to the respective Vestries or Incumbents for the same, that in all such Cases his Claims from their Executors or Administrators shall be paid as preferable to all other Debts Dues and Demands whatsoever (the Rights and Dues to our sovereign Lady the Queen always excepted & foreprized)

3^d The Act of Assembly against the Exportation of European Goods is experienced since the short Time it has been in force to be a great Discouragement to the Trade of this Province import which is diverted thereby from this Province and carryed directly to other Ports, whereas this Country would be the Port of Trade for such Vessels therefore advise it to be repealed.

His Excellency has received her Majesty's Directions that the Quakers in this Province be compelled to contribute a proportionable Share to the Charge of Militia and Defence of the Country but that the Distresses made upon them for their Defaults be not extraordinary beyond the Bounds of Moderation or more than what is levied on others. Wherefore we propose a Supplementary Law be made providing therefor and since the Method of laying the Fines by Act of Assembly on such who neglect to appear and serve in the Militia being only on the Goods and Chattels and no Execution given against the Body of the Defaulters has no Effect as to young Freemen who has no visible Personable Estates whereon the Sheriffs may levy them it is proposed that in such Case Execution may be awarded against their Bodies otherwise there is no way to inforce them

Signed p Order. W Bladen Cl. Co.

1. Which being read and debated in the House. It's resolved p. 129 that as to the first Paragraph of the Message and the matter therein contained that the Law is sufficient as already enacted.

2. The second Paragraph relating to the Rights of the Church being again read and debated. Resolved there is no Occasion of a Bill.

L. H. J. 3. Paragraph relating to the Act against Exportation of European Goods was likewise again read and debated and Resolved by Majority of Votes that Law be repealed.

4. Paragraph relating to Quakers, and the Act for the Militia read again And Resolved the Law has already sufficiently provided.

Esq^r Tench, Col^o Jenkins, Col^o Holland enters the House and delivers M^r Speaker Supplementary Bill to the Act for Towns indorsed.

By his Excellency the Governor and Council in Assembly
April 9th 1707.

The within Bill read the first Time and the Amendment proposed, and further that Encouragement be given to handy Craftsmen to settle Towns by exempting them from Arrests, for their Debts not exceeding fifty Pounds Sterling or ten thousand Pounds of Tobacco they giving good Security to the Justices of the County Courts for Payment thereof within three years.

Signed p Order
W. Bladen Cl. Co.

Bill for Relief of Debtors indorsed and sent up to his Excellency and Council p M^r Waters.

He returns and says he delivered the same.

M^r William Watts and M^r Peter Watts being sick have Leave to go Home

Col^o Lloyd and Col^o Ennalls brought into the House the following Bills

Bill for recording Copies of Wills &^{ta}

Bill explaining some doubtful Expressions in the Law for Limitation of Officers Fees.

Bill for Naturalization of John Francis Holland.

Bill for Relief of Thomas Manning. All which Bills were Severally indorsed

Read the first and Second Time and past.

Signed p Order
W. Bladen Cl. Co.

And the Bill for Attainder of Richard Clarke Indorsed.

By the Council in Assembly April 9th 1707. Read in Council the second Time and past.

Signed p Order, W. Bladen Cl. Co.

Ordered they be again read in the House.

Bill for Relief of Manning &^{ta} Read the second Time and L. H. J. indorsed.

Bill for explaining some doubtful Expressions in the Act for Officers Fees.

Read the second Time and indorsed

Bill for Attainder of Richard Clarke Read the second Time and sent up for Ingrossment.

The House adjourns till two O'Clock Afternoon

Post Meridiem 9th April 1707. The House met according to Adjournment and being called over were present as in the Morning.

Bill restraining Masters of Ships from cropping and defacing Tobacco &^{ta} p. 130

Read the first Time and indorsed

Bill giving Power to the Farmers of the Lord Baltimore's Rents to recover the Arrears.

Read the first Time and indorsed

Both which Bills were sent up to his Excellency and Council by M^r Woolford

He returns and says he delivered them.

Bill deciding the Difference between Col^o Holland and Captain Smith Read the first Time.

Put to the Question whether the Bill shall pass or not?

Carried in the Affirmative that the Bill do pass at the first Reading and so indorsed.

Sent up to his Excellency and Council p M^r John Hall.

Returns and says he delivered the same.

Ingrossed Bill preventing Exportation of Tobacco till the Duties payable are paid

Indorsed April 9th 1707 Read and assented to by the House of Delegates

Signed p Order. W Taylard Cl. Ho. Del.

Ingrossed Bill suspending Prosecution of Romish Priests &^{ta} till the Queen's Pleasure known

Indorsed April 9th 1707, Read and assented to by the House of Delegates

Signed p Order W. Taylard Cl. Ho. Del.

Ingrossed Bill for confirming Knighton's Will

Ingrossed Bill for removing Thomas Howell

Ingrossed Bill against counterfeiting foreign Coin.

- L. H. J. Ingrossed Bill to prevent the Abuse of breaking open and
concealing publick and private Letters.
 Ingrossed Bill for Attainder of Richard Clarke
 Ingrossed Bill for Relief of Thomas Manning
 The foregoing six Bills being all read and examined were
severally indorsed thus.

April 9th 1707. Read and assented to by the House of Dele-
gates. Signed p order W. Taylard Cl. Ho. Del.

Which said Bills so indorsed were sent up to his Excy and
Council for their Assent by M^r Muschamp and M^r Joseph En-
nalls.

They return and say they delivered the Bills.

William Seward's Petition of Dorchester County being
brought into the House the Consideration thereof is referred
till next Session of Assembly and then to produce his Proofs
and Evidences to it.

The House adjourns till to Morrow Morning seven O'Clock

Thursday April 10th 1707.

The House met again and being called over were all present
as Yesterday only M^r Joseph Hill.

Read what was done Yesterday

Col^o Lloyd and Col^o Holland enters the House and delivers
M^r Speaker Bill giving Power to Farmers of my Lord's Rents
&^{ta} Indorsed By the Council in Assembly April 9th 1707.

Read the first Time and do pass.

Signed p Order W. Bladen. Cl. Co.

- p. 131 Bill supplementary to the Act for Towns Indorsed This
Bill read the second Time and past as proposed by this Board.
 Signed p Order W. Bladen Cl. Co.

Sent up to the Committee of Laws to be ingrossed.

Bill repealing the Act prohibiting the Exportation of Eu-
ropean Commodities &^{ta}

Read the first and second Time and do pass.

Sent up to his Excellency and Council for their Concurrence
p M^r John Wells.

Who returns and says he delivered the Bill.

Ordered M^r Young and M^r Tyler attend the Council to see
M^r Plater make Oath to his publick Accounts. Return and say
they see him do it.

Ingrossed Bill for recording several Wills &^{ta}

Indorsed Read and assented to by the House of Delegates L. H. J.
Ordered the following Message be entered and sent up by
Major Nicholas Lowe

April 10th 1707

May it please Your Excellency.

In Regard that to morrow is Good Friday being a Day particularly devoted to Almighty God by all Christians; but in as much as this House being met upon the publick Affairs of the Province and would make what Dispatch thereof they could therefore desire to know whether the Honourable her Majesty's Council will sit to morrow after the morning Duty to Almighty God shall be over or not? for that this House would willingly be in this Matter guided by their Honours this House hoping that a Period may be put to this Session on Saturday next.

Signed p Order W Taylard Cl. Ho. Del.

He returns and says he delivered the same.

Col^o Ennalls brought in the following Bills

Bill for Relief of Debtors &^{ta}

Bill restraining Masters of Ships from defacing Tobacco

Bill repealing the Act prohibiting Exportation of European Commodities &^{ta}

Indorsed. Read the first and second Time and do pass

Signed p Order

W Bladen Cl. Co.

Col^o Ennalls acquaints M^r Speaker that 'tis his Excellency's Pleasure to hold Council to morrow in the Afternoon

Ingrossed Bill explaining doubtful Expressions in the Act for Officers Fees

Ingrossed Bill for Naturalization of Holland &^{ta}

Ingrossed Bill for recording several Wills &^{ta} Sent up to the Honourable Council for their Assent.

Kenelm Chesyldine Esq^r enters the House and delivers M^r Speaker Bill for killing Wolves and Crows. Read the second Time and past for ingrossing. Sent up for ingrossing.

Bill deciding a Difference between Col^o Holland and Captain Smith Indorsed. p. 132

By the Council in Assembly April 10th 1707 Read in Council but inasmuch as we have not the least Satisfaction to the Bill we will not agree thereto.

Signed p Order W Bladen Cl. Co.

L. H. J. Which Indorsment being here read the Bill is rejected

The Petition of Job Evans of Baltimore County and Uxor was ordered to be thus indorsed and sent up to the Committee of Accounts. By the House of Delegates April 10th 1707.

Upon reading The Petition of Job Evans and his Wife Relict of John Perry this House ordered Inspection to be made in the Journals of Accounts and thereby it is found the said John Perry was constituted publick Post for the Province under Salary of 50^{lb} p Annum and by the said Journals it does appear he had no Satisfaction for his last year's Salary so that the Sum of fifty Pounds still remains due therefore ordered by the House that the same be allowed the Petitioner which was indorsed on the Petition and sent up to the Committee of Accounts for Allowance

Col^o Holland brought into the House the following ingrossed Bills

Bill for Attainder of Richard Clarke.

Bill for preventing Abuses to Letters &^{ta}

Bill for Relief of Thomas Manning

Bill against forging and counterfeiting foreign Coin

Bill for preventing the Exportation of Tobacco before the Duties payable be paid

Bill suspending (during the Queen's Pleasure) the Prosecution of Romish Priests &^{ta}

Bill confirming the last Will and Testament of Thomas Knighton

Bill for Removal of Thomas Howell.

All indorsed in Council as follows Viz. April 10th 1707.
Read and assented to by her Mayesty's Honble Council

Signed p Order W Bladen Cl. Co.

James Sanders Esq^r enters the House and delivers M^r Speaker the following ingrossed Bills Viz.

Bill explaining doubtful Expressions in the Act for Officers Fees

Bill for recording Copies of several Wills &^{ta}

Bill for Naturalization of John Francis Holland

These 3 Bills were indorsed in Council April 10th 1707.

Read and assented to by her Majesty's Honble Council

Signed p Order W Bladen Cl. Co.

M^r Chesydine enters the House and delivers M^r Speaker the following Message

By his Excellency the Governor and Council in Assembly L. H. J.
April 10th 1707

The Clerk of the Council through whose Office most of the publick Business of the Country passes has always been supplied at the publick Charge with Paper, Pens, Ink, Wafers and Wax. The present Clerk of the Council affirms he has officiated near nine years and never had but one Allowance of £ 6. which was in May 1704 At which Time he was allowed for an Assistant Clerk that Assembly but never since considered on that Score; Therefore we recommend to the House that they will direct the Committee of Accounts to make him a reasonable Allowance.

And whereas you thought fit to make an Allowance to the Clerk of your House over and above his Salary for that there were several Sessions in the year 1704 we wish you not to forget ours, whose Trouble and Service was equal; nay more, in that he finished his Number of Journals of the long Sessions compleat, when your Clerk provided but one Journal

Signed p Order W. Bladen Cl. Co

Upon debating the same Message the House thought fit that his Salary is sufficient to support that Office. Therefore resolved he have no further Allowance

Bill to continue the several Sheriffs their Rights to Execution for publick Dues &^{ta}

Read the first Time and sent up by M^r John Jones

He returns and says he delivered the Bill.

The House adjourns till two O'Clock Afternoon.

Post Meridiem. The House met again according to Adjournment Being called over were present as in the Morning.

Ingrossed Bill giving Power to the Farmers of the Lord Baltimore's Rents &^{ta}

Indorsed April 10th 1707. Read and assented to by the House of Delegates

Sent by M^r Hall for Concurrence

Col^o Ennalls enters the House and delivers M^r Speaker Bill continuing to several Sheriffs Power of Execution for publick Dues Read in the House the second Time and do pass. Sent up to be ingrossed

Bill to prevent cropping, cutting, and defacing Tobacco. Read and ordered to be indorsed. Read and assented to by the House of Delegates.

Signed p Order W. Taylard Cl. Ho. Del.

- L. H. J. Bill repealing the Act prohibiting the Exportation of European Commodities Read and assented.

Ordered to be indorsed.

Sent up to his Excellency and Council by Mr Woolford who says he delivered the same.

Message brought in by Col^o Ennalls, and Mr Carroll's Letter and other Papers relating to the Lines of the Province. Read and is further referred.

By the House of Delegates April 10th 1707

In Answer to the Message in Relation to Address her Majesty to direct the Proprys to adjust the Bounds of their Pretensions this House thinks there is no need to address her Majesty they having upon a former Order of her Majesty to run out the respective Provinces, given Answer that that could not be done until the Propr's had run out their Lines so that they do suppose that if her Majesty will continue her Commands to run out the Country's they take it that she will also direct the Propry's to run out their Lines

Signed p Order W. Taylard Cl. Ho. Del.

Ordered to lie on the Table.

- p. 134 Bill to prevent cropping, cutting and defacing Tobacco &^{ta} Indorsed. Read and assented to by the House of Delegates Sent up by Mr Tyler. He returns and says he delivered the Bill.

Bill for Relief of Debtors &^{ta} Read and ordered to be indorsed April 10th 1707

Read and assented to by the House of Delegates.

Signed p Order. W. Taylard Cl. Ho. Del.

Sent up to his Excellency and Council by Mr John Waters for their Concurrence.

He returns and says he delivered the Bill.

The following Message being prepared was sent up to his Excellency and Council by Mr John Maclaster.

By the House of Delegates April 10th 1707

In Answer the Message relating to the Act what shall be good Evidence to prove foreign and other Debts this House are of Opinion that that Branch of the said Act mentioned in the Message Viz. Goods sold, work done, money lent &^{ta} is well enough and has no need of Amendment. And as to that relating to the Clergy we believe that that matter is well enough

settled and secured already by the Law ; and therefore we are L. H. J.
unwilling to make any Alteration therein. And as to the
Quakers we take them to be comprehended within the Law
of the Militia already and there is no Reason to make a Pro-
vision for them distinct from the rest of the Queen's Subjects
in this Province as to the Militia Affairs. And as to all other
Matters relating to the Militia we are of Opinion that the Law
is well enough as it is and needs no Manner of Alteration.

Signed p Order W. Taylard Cl. Ho. Del.

Mr Maclaster returns and says he delivered the same.

Col^o Hammond, Col^o Lloyd, Col^o Ennalls, and Col^o Jenkins
brings from the Council the following Message.

By his Excellency the Governor and Council Ap^l 10th 1707

In Answer to your Message that you cannot agree to the
Report from the Conference held for the Security of the pub-
lick Arms and Ammunition at Annapolis we acquaint you that
we are of Opinion that the publick Arms and Ammunition
especially at this Town ought to be well preserved and secured
and therefore his Excellency is pleased to declare that this
being a Concern of the greatest Moment and whereon de-
pends the Defence and Security of the Province he must
(though very desirous to avoid all Occasions of exposing the
Country to any Charge) take care and give proper Directions
for the Security of the Magazine and well hoped the House
would advised and assisted him therein, since by their Desire
and Approbation he had taken Care to have so good and
Serviceable a Quantity both of Arms and Ammunition bought
and imported but seeing you have not thought fit so to do his
Excellency who is the proper Judge will direct what may be
thought fit therein

Signed p Order W. Bladen Cl. Co.

Journal of the Committee of Accounts read and assented to P. 135
by the House of Delegates and sent up to his Excellency and
Council by Mr John Leach and Mr James Phillips. They re-
turn and say they delivered the same.

Col^o Ennalls enters the House and delivers Mr Speaker the
following ingrossed Bills with some Depositions against Joseph
Hill

Ingrossed Bill for repealing the Act against Exportation of
European Goods &^{ts}

Ingrossed Bill for continuing Sheriffs of Talbot Kent and
Cecil Counties their Execution for publick Dues.

L. H. J. Ingrossed Bill for restraining Masters of Ships from cropping and defacing Tobacco &^{ta}

Ingrossed Bill giving Power to the Lord Baltimore's Farmers to recover their Arrears.

All which were indorsed in Council April 10th 1707.

Read and assented to by her Majesty's Hon^{ble} Council

Signed p Order W Bladen Cl. Co.

The House adjourns till two O'Clock in the Afternoon to Morrow

Friday, 11th April 1707. Two O'Clock in the Afternoon

The House met again according to Adjournment

Being called over were present as Yesterday only M^r Jones.

Col^o Hammond, Col^o Lloyd, and Col^o Holland bring from the Council the following Representation with Indorsment and Recommendation thereon Viz.

To his Excellency the Governor and Council in Assembly

April 11th 1707

Your most humble Servant the Subscriber begs Leave to acquaint your Excy and this Hon^{ble} Board that in September last there was due to Col^o Nathaniel Blackiston Agent in England for this Province on Account of his Salary for his said Agency one hundred and twenty Pound Sterling; for Payment of which Sum the General Assembly has made no Provision. Therefore humbly request your Excellency will be pleased with the Concurrence of this Hon^{ble} Board to recommend to the House of Delegates that they will take care for Col^o Blackiston's Satisfaction therein, and also in Case there be no other Session of Assembly this year the Committee for laying the publick Levy in October next may have Instructions to allow him one other years Salary which will be due in September next.

W Bladen Cl. Co. Attorney

for said Col^o Blackiston

Indorsed

By his Excellency the Governor and Council in Assembly

April 11th 1707

The within Representation read and recommended to the House of Delegates to take Care of Col^o Blackiston Satisfaction therein for that this Board are of Opinion the Services of the said Col^o Blackiston are beneficial and necessary to this Province especially at this Time he is employed to solicit her

Majesty for copper money proposed and purchase more Arms L. II. J. and Ammunition for the Country's Service and also obviate many Reflections cast upon the Country which cannot be done without Somebody in England authorized to act in that Station.
Signed p Order W. Bladen Cl. Co.

Which being read and debated this House ordered that P. 136 there be allowed him £ 120 Sterling for one years Agency from the 17th Day of September 1706.

Ingrossed Supplementary Bill to the Act for Towns Read and assented to Ordered to be so. Indorsed and sent up to his Excellency and Council by Col^o James Maxwell M^r John Maclaster, M^r John Mackall and M^r John Jones for their Assent. They return and say they delivered the Bill

M^r Samuel Young ordered to attend the Council to see M^r George Muschamp to prove his publick Accounts

He returns and says he saw him prove his Accounts upon Oath.

The Hon^{ble} Thomas Tench Esq^r Col^o Hammond, Col^o Lloyd and Col^o Holland enters the House and delivers M^r Speaker the following Message Viz.

By his Excellency the Governor and Council in Assembly
April the 11th 1707

Your House cannot have forgot what his Excellency was pleased to acquaint you with at your first meeting in this Session that her Majesty approved of reducing the Number of the Provincial Justices and appointing Itinerant Judges to go the Circuits and hold the Assizes in every County.

Therefore since you seem to intimate in your Message Yesterday by Major Lowe you hoped the Session near a Conclusion we cannot but admire why you have not yet given his Excellency Satisfaction what you intend to do therein. And we would wish you to consider what was proposed is absolutely within her Majesty's Royal Prerogative and therefore will be effected according to her Directions and the Condescension now made by his Excellency in having your Advice on that important Affair will serve to remind you hereafter perhaps when it may be too late that you have not only mistaken yourselves but the true Interest of the Country.

Signed p Order. W. Bladen Cl. Co.

Which being read and debated it's resolved that the following Message be sent up to the Council in Answer thereto.

L. H. J.

By the House of Delegates April 11th 1707

Upon reading your Honours Message relating to that Part of his Excellency's Speech touching her Majesty's Commands in reducing the Number of the Provincial Justices and appointing Judges to go the Circuits this House do not approve thereof and therefore cannot agree to the Proposal

Signed p Order W. Taylard Cl. Ho. Del.

Which being read and approved was sent up to his Excellency and Council by M^r Robert Tyler and M^r John Mackall. They return and say they delivered their Message. William Coursey Esq^r enters the House and delivers M^r Speaker the following Bills

Ingrossed Supplementary Bill to the Act for Towns

Ingrossed Bill for Relief of Debtors &^{ia}

Both indorsed Viz. April 11th 1707 Read and assented to by the Governor and Council in Assembly.

Signed p Order. W. Bladen Cl. Co.

p. 137 Upon reading the Petition of Samuel Norwood on Behalf of Acton and being debated it is referred to the Consideration of next Assembly

The following Depositions brought into the House from the Honble Council were ordered to be entered Viz.

Monday April 7th 1707

John Spry brought before the Board declared about the first of March last he was at M^r Samuel Smith's on Potowmack Point where he came in Company with M^r Garrett who discoursed him about coming to South River to fetch said Garrett's Wife, the Declarant told him if he would get a Sloop, Clark had in his Company Thomas Wintersell and a Schoolmaster and two negroes, after the Declarant went over the Bay Brereton was at Samuel Smiths, when the Discourse was, and understands that he went down to Eliz^a Town in Virg^a with Clarke. Sometime after the Declarant's Return over the Bay, said Garrett who the Declarant now verily believes to be Richard Clarke of this Province came to Potowmack Point with a Sloop; Brereton with him and two other men who came Passengers; and went over to Somerset County And then the said Garrett agreed with the Declarant to go Skipper of the Shallop to South River, to fetch his wife, gave him three Letters, one directed to M^r Joseph Hill, one other to Elizabeth Garrett, and the other to Wintersell's Wife, the Declarant came into South River the 29th March, sent Thomas Brereton with the Letter to whom

Garrett directed him for Advice and to take his Directions in all Things, On Sunday Morning said Hill and Brereton came on Board the Shallop where the Declarant gave the other two Letters to Hill or else Brereton carryed them with him, and Hill and Brereton on Horse Back went to M^{rs} Clark's or as Brereton has told him went to Captain Welsh's whither they sent for M^{rs} Clarke and she came to them. Brereton saw her and discoursed her and said she was a brisk talking woman. On Sunday Night Thomas Brereton came on Board and told him he must go to M^r Hill's whither he went on Monday Morning March 31st would have had Brereton gone to enter the Sloop, but Brereton told him, M^r Hill said he must come himself to the Collector; the Declarant went with M^r Hill to M^r Evan Jones who gave him the Permit produced. And M^r Hill lent the Declarant money to pay for it 2^s 6^d then M^r Hill bade him go up the River, saying you complain your Shallop is leaky, let that be your Excuse, if any come on Board, but who you are acquainted with. M^r Hill said he wished he had the Things on Board and the Shallop under Sail with a fair wind he would give twenty Pounds, told him when discoursed of Clearing there was no need of it; was at M^{rs} Clarke's House and helped down with a Cart Load of Goods, saw several Persons assisting. There were two Carts describes one short man, ruddy Complexion, waddled and had a Cane in his Hand at the House. There was a gray Haired Man and a little Boy managed one of the Carts. They took in the Goods on Thursday and Friday last. Richard Clarke gave the Declarant a Paper open, saw Clarke write it, and Clarke said it was Instructions for him wholly to apply himself to M^r Hill

L. H. J.
p. 138

John Spry.

April 8th 1707. Sworn before his Excellency the Governor in a full Council Vera Copia.

Examinat p W Bladen Cl. Co.

W. Bladen Cl. Co.

April 7th 1707.

Thomas Brereton brought before his Excellency the Governor and Council declared.

That being at the Bay Side in Fluits Pound following with his Cousin John Shipley spied Richard Clarke and Cha. Harrison and Thomas Wintersell with a Negro Man and Woman by a Fire they had made in the Bank and his Uncle coming thither invited them to his House. Having asked from whence Clarke came he answered from Maryland and that he had bought a Plantation and was carrying his Negroes to make Corn in Carolina and intended in the Summer to fetch his Wife

L. H. J. and Family thither said his Name was Robert Garrett the other two went by the Name of Thomas Wintersell and M^r Peters which last pretended to be a Schoolmaster they went up the Creek to his Uncle Smith's and stay'd there four Days in which Time it being discoursed the Declarant was going to Elizabeth River to get a Passage on Board one William Burrows for New England Richard Clarke offered him a Passage to Linhaven Bay which the Declarant accepted and went along with him and his Company in his Boat. While Clarke was at his Uncle Smith's the Declarant went to his Uncle Shapley's and fetched all his Cloaths and put them in Wintersell's Chest and before the Declarant went to his Brother William Brereton came after him and stopt him and made him take his Cloaths out again and the Declarant did intend to have gone to Somerset County with John Spry but the Wind being at North West Clarke overpersuaded him to go with him and when they came to M^r Thomas Plumer's at New Point Comfort went up the Creek to the House and stay'd there about four or five Days and the Wind blowing fresh at North West and their Boat little so that they were afraid to cross Mopjack Bay M^r Plumer was persuaded to lend them his Boat in which they went to the mouth of Elizabeth River and there the Declarant saw a Boat that came towards them wherein was one Daniel Wells,

p. 139 Thomas Barebatch a Saylor and a Boy about fourteen years old gave Clark's Boat hold of their Painter and seemed to be very glad to see them Wells called Clark by the Name of Garrett. Both Boats went into Elizabeth River and Wells and his Company was taken up at Norfolk Town by Major Bush and Captain Mason and Clarke pleaded that Daniel Wells was an honest Man and good Liver, the Boy had like to have betrayed them for he said he was a Woman's Servant here. Wells said he was his Servant and bought him to assist designing to buy a Plantation and was intended to get a Plantation at News River in Carolina. There was a Letter of Mark Sloop there and the Crew was afraid Thomas Barebatch and Wells intended to cut her loose and run away on privateering. Clarke got drunk with the Letter of Markmen and fought with two or three of them. The Privateer Brabatch was employed to get a Vessel off, that was drove on Shore by a Tempest Clarke directed Wells and Harrison to one Cap^t Smith in News River till he could come to them, hired this Shallop of Peter Cartwright and left his two negroes three Trunks and his Cloaths in Pawn until her Return persuaded the Declarant to come up again with him to Wiccocomoco to his Uncle Samuel Smith's, and took on Board the Shallop Thomas Wintersell and one James Cale a young Freeman and came up to Potowmack Point where Cale went over the Bay with the Declarant's

Brother William Brereton Clarke and Wintersell went to carry L. 11. J.
M^r Plumer's Boat back again Clarke sent for John Spry and
hired him as the Skipper of the Shallop to come up to South
River in Maryland with the Declarant at the Rate of three
Pounds ten Shillings p month and the Declarant at Eighteen
Pence p Diem and gave Instructions in an open Paper in
writing directed to M^r Joseph Hill to whom he also gave them
a Letter at parting said Good Friends whatever you do apply
yourselves to M^r Hill without any further Enquiries said Clarke
told them they were to bring down his wife and Children and
Wintersell's wife to whom Wintersell sent a Letter and accord-
ing to Orders they came to South River on Saturday 29th March
the Declarant went on Shore to John Pain's Plantation who
shewed him the way to M^r Hill's where he lay that night and
the next morning gave said Hill Clarke's Letter.

M^r Hill ordered two Horses to be got and with the Declarant
went on Board the Sloop and discoursed the Skipper Spry
and after which the said Hill and Declarant went to Captain
Welshe's where was Richard Clarke and Wintersell's wives
and there M^r Hill discoursed with them and after he and Hill
came to Pain's Plantation and the Declarant went on Board P. 140
the Sloop and according to M^r Hill's Order directed John Spry
the Skipper to come to his House heard M^r Hill say when he
was on Board the Sloop I wish you were going now here is a
brave Wind he would give twenty Pounds they were under Sail
with the Things all on Board Hill bad them go up the River and
trim their Sloop while the Things were bringing down accord-
ingly they went up the River and into Beares Creek M^r Hill
told them that several People were Daily going and that three
young Blades were lately gone towards Virginia or Carolina.

Tho: Brereton

The Declarant says that he saw Richard Clarke write an
open Paper of Directions to them to enquire for Mr. Hill and
take his Advice in all Things before they enquired of any
Body else M^r Hill bad them be sure to make Haste to get
the Things on Board for he should long to hear they were gone

Tho^s Brereton April 8th 1707

Sworn to before his Excellency the Governor and Council

W Bladen Cl. Co.

Vera Copia Examinat p W Bladen Cl. Co.

April 9th 1707. Thomas Ricketts declared M^{rs} Clarke told
him M^r Hill sent a Sloop for her which was consigned to him
says he thinks and verily believes he has seen Richard Clarke

L. H. J. twice the last Winter near his late Dwelling Plantation at the Head of South River says some Time the last Winter he saw Sylvester Welsh sitting with M^{rs} Clarke at Clarke's House and Suspects Rich^d Clarke might be then in the same House the Doors were shut when he came to the House.

Sworn to in Council. W Bladen Cl. Co.

Which said several Depositions were here read in the House and being fully debated and considered the House find it relates to some high Crimes and Misdemeanours supposed to be committed by M^r Joseph Hill a member of this House therefore ordered that M^r Joseph Hill withdraw the House till the Matter in the Depositions be further debated

Upon which M^r Hill withdrew

And then the House did further proceed to debate the Matters laid to his Charge and the Depositions being read and fully considered it was moved by a member that it may be put to the Vote whether the Crimes laid to M^r Hill's Charge as in the Depositions is set forth be sufficient to expel him or no? Which being likewise debated it was afterwards put to the Question whether it be sufficient to expel him or not? Carried in the Affirmative. Thereupon Resolved he be dismissed and expelled this House till he be cleared of what is laid to his Charge
p. 141 upon which M^r Hill was called into the House. He appeared and M^r Speaker to acquaint him with the Vote and Resolve of the House aforesaid and so withdrew. The House adjourns till tomorrow morning seven o'clock.

Saturday the 12th April 1707.

The House met again were called over and present as yesterday only M^r Hill. Read what was done yesterday

Upon reading the Report of the Committee to inspect the Land Law it was Resolved Nemine contradicente that the Consideration thereof be referred till next Session of Assembly and that a small Bill be brought in to continue the Law.

And likewise ordered that this Matter come under Debate of the House at the first sitting of the next Assembly.

Col^o Lloyd and William Coursey enters the house and delivers M^r Speaker a Message the Consideration whereof is referred till Afternoon.

Bill continuing in force the Act for ascertaining the Bounds of Lands &^{ca}

Read the first Time Indorsed & Sent up to the Council by M^r George Muschamp

He returns and says he delivered the Bill

Col^o Ennalls enters the House and delivers M^r Speaker the L. H. J. Journal of Accounts

Indorsed in Council April 12th 1707 Read and assented to by her Majesty's Honble Council

Signed p Order W Bladen Cl. Co.

Bill for apportioning the publick Levy Read the first and second Time and do pass

Sent up to his Excellency p M^r Colegate for Concurrence He returns and says he delivered the Bill

The House proceed to settle the Fees on private Bills pursuant to Act of Assembly

To M ^r Speaker for the Bill suspending (during the Queen's Pleasure) the Prosecution of Romish Priests	}	£ 10.. 0.. 0
To William Taylard Clerk of the House of Delegates		
To M ^r Speaker for Bill to confirm Knighton's Will	}	4.. 0.. 0
To the Clerk half Fees		
To M ^r Speaker for Howell's Bill		2.. 0.. 0
To the Clerk of the House		1.. 0.. 0
To M ^r Speaker for Bill recording several Wills &c. Allowed in Dorchester County	}	Tob ^o £ l. 12 00
To the Clerk of the House		
To M ^r Speaker for a Bill Naturalization of John Francis Holland	}	2.. 0.. 0
To the Clerk of the House		
To M ^r Speaker for a Bill giving Power to the Farmers of his Lordship's Rents to receive their Arrears	}	15.. 0.. 0
To the Clerk of the House for the same		
		7.. 10.. 0

Bill for the Act for Direction of the Sheriff's Office

Read the first and second Time and do pass.

Bill reviving the Act for prohibiting the Importation of p. 142 Bread Beer Flour &c

Read the first and second Time and do pass

Bill reviving the Act for speedy conveying publick Letters &c

Read the first and second Time and do pass

The House adjourns till two o' Clock Afternoon

L. H. J. Post Meridiem The House met again according to Adjournm^t being called over were present as in the morning only M^r Tho^s Greenfield sick

The following Message by Col^o Lloyd and William Coursey Esq^r Ordered the same be entered Viz.

By the Governor and Council in Assembly April 11th 1707.

The House's Answer to the Council's Proposal by Col^o Holland and M^r Saunders was received here and upon mature Consideration this Board cannot omit acquainting you that we are sensible great Complaints have been made of that Part of the Law for proving Debts and particularly in a Cause M^r Somerset brought in the Provincial Court against John Brannock wherein the Chief Justice's Opinion was overruled by the Rest of his Brethren.

The securing the 40lb Tob^o p Poll as we proposed in Case it should happen to be in any particular Vestryman or Sheriff's Hands neither are any Vestryman obliged or ever do give Security to account therefor. And as to the Quakers contributing to the Charge of the Militia your Answer is very wide of the Recommendation which is that seeing the Quakers scruple bearing Arms in Person her Majesty thinks fit that they should be compelled to hire or otherwise supply such men who may be capable and fit to do their Duty in that and Service in that Station

And tho' the Board are not for having any Body's Person executed before Day in Court given to hear his Defence yet we are desirous to render every Branch in the Act for the better ordering and regulating the Militia as efficacious as may be. Therefore wish you award Execution against the Body of such Freemen upon their Default certified by two Field Officers provided such Fine exceeds not one hundred Pounds of Tobacco at one Time, and this will not be a greater Violence to Liberty than the Power given to Justices to hear and determine small Debts who may award Execution for 200 lb Tob^o against the Body

Signed p Order W Bladen Cl. Co.

Which being read is ordered to be answered as follows Viz.

By the House of Delegates April 12th 1707.

Upon reading and debating your Honour's Message this Day by Col^o Lloyd and William Coursey Esq^r this House have resolved the same has been fully considered and have

been so answered by Message of the 11th Instant from this L. H. J. House by M^r Maclaster from which the House cannot recede

Signed p Order
W. Taylard Cl. Ho. Del.

Ingrossed Bill for killing Wolves and Crows. Read and p. 143
assented to by the House

Bill for reviving the Act for Direction of Sheriffs in their Office

Bill reviving the Act prohibiting the Importation of Bread Beer &ca

Bill reviving the Act for speedy Conveyance of publick Letters

The foregoing Message and Bills were sent up by M^r John Leach and M^r John Wells

They return and say they delivered 'em

Col^o Ennalls enters the House and delivers M^r Speaker the following Message

By his Excellency the Governor and Council in Assembly
April 12th 1707

His Excellency and this Board are consenting that John Spry's Thomas Breretons and Thomas Ricketts Depositions against M^r Joseph Hill should be entered in the Journal of your House but forasmuch as M^r Hill is not yet come upon Tryal do not think it proper to have the Queen's Evidence divulged and made publick before that Time and therefore in Regard his Excellency and the Board are not willing to trust to M^r Taylard your present Clerk's Integrity in that he may give out Copies we desire they may be entered at the End of your Journal which he may be ordered to do after the Tryal is over

Signed p Order W Bladen Cl. Co.

Which being read it's ordered the same by Message be answered

Bill requiring the Agents of the Lord Baltimore to publish the Conditions of Plantation &^{ca}

Read the first Time and sent up to his Excellency and Council for their Concurrence.

Col^o Hammond enters the House and delivers M^r Speaker the ingrossed Bill for killing Woolves and Crows. Indorsed in Council April 12th 1707. Read and assented to by her Majesty's Honble Council.

Signed p Order W Bladen Cl. Co.

L. H. J. And the following Bills

Bill for reviving the Act of Directions for the Sheriff's Office Indorsed

By the Council in Assembly April 12th 1707 Read in Council the first and second Time and do pass

Signed p Order W Bladen Cl. Co.

Bill reviving the Act prohibiting the Importation of Bread Beer &^{ta} Indorsed.

By the Council in Assembly April 12th 1707 Read in Council the first and second Time and the word Horses not explained.

W Bladen Cl. Co.

Bill for laying and assessing the publick Levy Indorsed April 12th 1707 Read in Council the first and second Time

Signed p Order W Bladen Cl. Co.

Bill reviving the Act for speedy conveying publick Letters Indorsed in Council

By the Council in Assembly April 12th 1707 Read in Council the first and second Time.

W Bladen Cl. Co.

Sent up to the Committee to be ingrossed

Col^o Jenkins enters the House and delivers Mr Speaker Bill for taking off 6^d p Gal. on Rum &^{ta} Indorsed.

By his Excellency the Governor and Council in Assembly April 12th 1707

p. 144 The within Bill considered and the Board do say that proper Methods are taken for securing the Duties which this Board think very requisite to be continued being well satisfied that if it hinders some small Sum of Money coming to the Public yet it prevents far greater Sums to be drawn out of the Province from private People the Pensylvanians taking nothing from us but our Bills of Exchange and money in Specie

Signed p Order W Bladen Cl. Co.

Which Indorsment being read the said Bill was laid aside
Ingrossed Bill reviving an Act for speedy conveying publick Letters Indorsed Read and assented to by the House of Delegates

Ingrossed Bill reviving an Act prohibiting the Importation L. H. J.
of Bread Beer &^{ta}

Indorsed Read and assented to by the House of Delegates.

Both Bills sent up by M^r Grey for their Honours Concurrence. He returns and says he delivered the Bills

Col^o Ennalls enters the House and delivers Bill requiring the Lord Baltimore's Agents to publish his Instructions &^{ta}
Indorsed By the Council in Assembly April 12th 1707

Read in Council and past with Amendments

Signed p Order W Bladen Cl. Co.

Read again in the House with the Amendments and do pass
for ingrossing

Ingrossed Bill impowering a Committee to lay the Levy &^{ta}
Indorsed Read and assented to by the House of Delegates

Ingrossed Bill reviving an Act for Direction of Sheriffs &^{ta}
Indorsed Read and assented to by the House of Delegates

Both which ingrossed Bills were sent up to his Excellency
and Council by M^r John Hudson for their Honours Assent.
He returns and says he delivered the Bills

Bill appointing Court Days in Queen Ann's County. In-
dorsed Read the first and second Time. And sent up to the
Council by M^r Maclester for their Honour's Concurrence

He returns and says he delivered the Bill

M^r William Coursey enters the House and delivers M^r
Speaker Bill appointing Court Days &^{ta} Indorsed &^{ta} By the
Council in Assembly April 12th 1707 Read the first and second
Time in Council

Signed p Order W Bladen Cl. Co.

Col^o Ennalls enters the House and delivers M^r Speaker In-
grossed Bill reviving the Act prohibiting the Importation of
Bread Beer &^{ta} Indorsed April 12th 1707

Read and assented to by her Majesty's Honble Council.

Signed p Order W Bladen Cl. Co.

And the Ingrossed reviving Bill for speedy conveying pub-
lick Letters &^{ta}

Indorsed April 12th 1707. Read and assented to by her
Majesty's Honble Council

Signed p Order

W Bladen Cl. Co.

The House adjourns till Monday Morning seven O'Clock.

L. H. J.
p. 145

Monday April 14th 1707

The House met again according to Adjournment being called over were present as on Saturday, only Col^o Thomas Smithson who had Leave to go Home.

Read what was done on Saturday

Upon reading a Report relating to the Town of Annapolis it is resolved a Bill be brought in to prevent the Inhabitants of the Town of Annapolis from keeping any other Hogs, Horses, Cattle, Sheep or Goats within the Town Fence, than what may be kept within Fence on their own Lots on Pain of 2^s 6^d p Head on such as shall be found depasturing therein

Two Horses his Excellency the Governor accepted, and the Gate Keeper one Horse and to receive all the Fines for his Encouragement in providing a Pound.

Col^o Lloyd enters the House and delivers M^r Speaker a Bill continuing the Land Law

Indorsed By the Council in Assembly April 12th 1707.

Upon Consideration of the within Bill and that his Excellency has received her Majesty's Commands to recommend to the Assembly to the retrenching the several Articles and Matters therein contained (and by the Lord Baltimore complained of in his Excellency's while in England) which his Excellency have often done by laying them before this Assembly in Sundry Sessions who have always neglected to do any Thing therein. We cannot advise his Excellency further to continue or revive the said Law it being contrary to her Majesty's Intentions to keep it on Foot without Satisfaction required given the Lord Proprietary

Signed p Order W Bladen Cl. Co.

Upon reading thereof the Bill is ordered to be laid aside

Ingrossed Bill for reviving the Act for Directions of Sheriffs &^{ta} Indorsed in Council April 14th 1707. Read and assented to by her Majesty's Honble Council

Signed p Order W. Bladen Cl. Co.

Ingrossed Bill appointing Court Days in Queen Ann's County Indorsed

April 14th 1707. Read and assented to by the House of Delegates Signed p Order W. Taylard Cl. Ho. Del.

Ingrossed Bill requiring the Agents of the Lord Baltimore to publish the Conditions of Plantation. Indorsed Read and assented to by the House of Delegates

Signed p Order W Taylard Cl. Ho. Del.

Sent up to his Excellency and Council by M^r Richard Cole- L. H. J.
gate for their Assent

He returns and says he delivered the same.

Thomas Reading's Petition Read and rejected

William Coursey Esq^r enters the House and delivers M^r Speaker Ingrossed Bill appointing Court Days in Queen Ann's County, and Ingrossed Bill requiring the Agents of the Lord Baltimore to publish the Conditions of Plantation &^{ta} Both which Bills were indorsed Viz. April 14th 1707 Read and assented to by her Majesty's Honble Council

Signed p Order W Bladen Cl. Co.

M^r Thomas Reading Printer appeared in the House and p. 146
being demanded why the full Body of the Laws were not printed according to his Contract he declared that he was and is always ready to do the same when this House will advise what Laws shall be in the Body and so withdrew; and being debated It's Resolved That all the publick Laws and Reviving Acts be printed at large and all Persons who have Interest in any private Laws be at the Charge of printing them otherwise the Title of such private Acts is sufficient to be printed

Bill for apportioning the publick Levy. Read the first and second Time.

Sent up to his Excellency and Council by M^r Mackall

He returns and says he delivered the Bill

Bill to prevent the Inhabitants of the Town of Annapolis from raising and keeping of Horses &^{ta} in the Town Pasture &^{ta} Indorsed April 14th 1707 Read the first Time and sent up to his Excellency and Council for Concurrence by M^r Muschamp. He returns and says he delivered the Bill

The House adjourns till two O'Clock Afternoon

Post Meridiem

The House met again according to Adjournment being called over were all present as in the Morning

Upon reading the Message by Col^o Ennalls of the 12th Instant this House Resolved the following Message be sent up in Answer thereto Viz.

By the House of Delegates April 14th 1707

Upon reading and debating your Honours Message of the 12th Instant by Col^o Ennalls relating to the Entry of some Depositions against M^r Joseph Hill this House are of Opinion that those Depositions ought to be entered upon our Journal that Day the same was here read in the House upon which

L. H. J. M^r Hill was expelled therefore this House pray your Honours to concur that those Depositions may be entered in their proper Place

Signed p Order W. Taylard Cl. Ho. Del.

Sent up to His Excellency and Council by M^r John Hodson and M^r John Maclaster

They return and say they delivered the Message.

Soon after Col^o Ennalls enters the House and acquainted M^r Speaker that his Excellency and Council will agree the Depositions against M^r Hill be entered in the proper Place in the Journal so that they be close sealed up not to be opened till M^r Hill's Tryal be over to which this House concurred

Thereupon M^r William Bladen Clerk of the Council enters the House and did in the House close seal up the said Depositions and ordered to be affixed in the Journal.

And so M^r Bladen withdrew.

The Report of the Gentlemen appointed to view the Land Records was again read and the Consideration whereof is further referred.

P. 147 M^r Lloyd being called in he appeared and M^r Speaker was pleased to acquaint him of the Resolve of the House relating to the Land Records which was that the Secretary for the Time being should take Care of and preserve all those Records and Rolls belonging to the Secretary's Office in good Repair for the future.

And then M^r Lloyd withdrew. Col^o Ennalls and William Coursey Esq^r enters the House and delivers M^r Speaker Bill for apportioning the publick Levy Indorsed April 14th 1707

Read the first and second Time in the House of Delegates.

Signed p Order W Taylard Cl. Ho. Del.

And indorsed in Council. Read the first and second Time and past with Amendm^t W Bladen Cl. Co.

Which being again read in the House and do pass with the Amendment

Sent up to be ingrossed. The ingrossed Bill brought down, was indorsed

April 14th 1707 Read and assented to by the House of Delegates

Signed p Order W. Taylard Cl. Ho. Del.

Sent up to his Excellency and Council by M^r William Stone
He returns and say he delivered the Bill

William Coursey Esq^r enters the House and delivers M^r L. H. J. Speaker the ingrossed Bill for apportioning the publick Levy Indorsed in Council April 14th 1707

Read and assented to by her Majesty's Honble Council.
Signed p Order. W. Bladen Cl. Co.

The House adjourns till to Morrow Morning seven O'Clock.

Tuesday April 15th 1707

The House met again according to Adjournment

Being called over were all present as Yesterday.

Read what was done yesterday

Bill to prevent the Inhabitants of Annapolis from raising and keeping Horses &^{ta} in the Town Pasture Indorsed in Council, By the Council in Assembly April 14th 1707 Upon reading this Bill it's approved of and will pass with the following Amendments Viz.

That every qualified Ordinary keeper keep three Horse and four Calves but no Sheep Pigs or Goats but what are in Pens or Styes and every Owner of an improved Lot to keep two Calves for every such Lot and one Horse.

Signed p Order W Bladen Cl. Co.

Which being read and debated it's ordered the same be rejected.

Ordered the Treasurer procure a new Flag, for which he is to have an Allowance out of publick Stock.

Moved by a Member whether it be not for the Conveniency of the Country to repair the Town Gate and Fence The House having debated the same and thinks it of no Conveniency. Therefore Resolved this House will take no further Care of such Repairs.

The Address to her Majesty for her gracious Order to lay p. 148 out the Bounds of Maryland and Pensylvania, brought in which was read and approved of

Ordered That Major Nicholas Lowe, Capt. Richard Jones, M^r William Stone, M^r Richard Colegate, M^r John Hodson, M^r John Maclaster, M^r Robert Tyler, and M^r John Mackall, carry up the said Address to his Excellency and Council for their Approbation

Col^o Holland, Col^o Ennalls and William Coursey Esq^r enters the House and delivers M^r Speaker the said Address and desired there might be Duplicates of it. Which being done the same was again sent up to his Excellency & Council by M^r James Maxwell.

L. H. J. He returns and says he delivered the Address
Upon Report of the Committee for inspecting M^r Mason's
Accounts was ordered to be thus indorsed Viz.

By the House of Delegates April 13th 1707

Ordered That M^r George Muschamp and M^r William Aisquith call before them M^{rs} Susannah Mason Executrix of Robert Mason late Treasurer of the Western Shore of this Province and that she bring with her, her Husband's Books Receipts and Papers relating to the publick Accounts, by which you are to examine and state the same pursuant to the Report of the Committee, and make your Report thereof to the next Session of Assembly, so that this House may further proceed thereon as to them it shall seem meet. Signed p Order
W. Taylard Cl. Ho. Del.

Ordered the Report and this Order of the House so indorsed be delivered M^r Muschamp Resolved That all the Laws Enacted this Session be printed pursuant to a former Order of the House. And the Printer to be allowed for the same according as before contracted for.

William Coursey Esq^r enters the House and delivers M^r Speaker the Address Signed in Council. Thereupon Ordered by the House that the same be signed by M^r Speaker on Behalf of the whole House Which was accordingly done.

Ordered it be annexed to this Journal. Likewise M^r Coursey acquaints M^r Speaker that his Excellency commands the Attendance of him and the whole House to the Council Chamber to conclude this Session.

Thereupon M^r Speaker and the Rest of the Members of the House go up to the Council Chamber and carryed with them the several Laws Enacted this Session being in Number four and twenty with the Address to her Majesty.

To each of which said Bills (a List whereof is hereto annex) was affixed the Great Seal of this Province. And his Excellency was pleased to Enact the same into Laws by underwriting thus April 15th 1707 On Behalf of her Sacred Majesty Queen Ann &^{ta} I will this be a Law
John Seymour

p. 149 Then his Excellency was pleased to say to M^r Speaker and the Members of the House of Delegates. That with the Advice of her Majesty's Honble Council he thought fit to prorogue the House to the 14th Day of June and if not convened again before the fifth Day of September next at which Time his Excellency is pleased to declare this Assembly will be dissolved.

Which being ended the Speaker and Members retired to L. H. J. their House. M^r Speaker having taken the Chair was pleased to report the Prorogation and ordered the Clerk to annex a List of the Laws Enacted this Session and so departed the House

A List of what Bills were past into Acts this Session of Assembly April 15th 1707

- 1 Bill Supplementary to the Act for Towns
- 2 Bill for Attainder of Richard Clarke.
- 3 Bill to prevent the Abuse of opening publick and private Letters &^{ta}
4. Bill for Relief of Thomas Manning &^{ta}
5. Bill against counterfeiting and forging foreign Coins &^{ta}
- 6 Bill preventing the Exportation of Tobacco before the Duties payable be paid
7. Bill suspending (during the Queen's Pleasure) the Prosecution of Romish Priests &^{ta}
8. Bill confirming Knighton's last will and Testament
- 9 Bill for Removal of Thomas Howell &^{ta}
10. Bill for recording Copies of severall Wills &^{ta}
11. Bill for Naturalization of John Francis Holland.
12. Bill for explaining some doubtful Expressions in the Act for Officers Fees &^{ta}
13. Bill giving Power to the Farmers of the Lord Balt. Rents to recover their Arrears
14. Bill for repealing the Act against Exportation of European Commodities
15. Bill to continue to the Sheriffs of Talbot County Kent and Cecil Counties their Right to Execution for publick Dues.
16. Bill restraining Masters of Ships and other Vessels from defacing Tobacco freighted &^{ta}
17. Bill for Relief of Debtors and ascertaining the manner of Tenders &^{ta}
18. Bill for killing Wolves and Crows.
19. Bill reviving the Act for prohibiting the Importation of Bread and Beer &^{ta}
20. Bill reviving an Act for speedy conveying publick Letters &^{ta}
21. Bill reviving an Act of Directions for Sheriff's Office &^{ta}
22. Bill appointing Court Days in Queen Ann's County &^{ta}
23. Bill requiring the Agents of the Lord Baltimore to publish the Conditions of Plantation &^{ta}
24. Bill for apportioning the publick Levy &^{ta}

Pursuant to an Order of the House of Delegates the following Message from his Excellency and Council together with

L. H. J. the Report of the Committee thereupon appointed are hereto annexed as follows.

By his Excellency the Governor and Council in Assembly.
March 31st 1707.

p. 150 Several Depositions and Declarations relating to the late Disturbance of the Peace of this her Majesty's Government intended by Richard Clarke and his Accomplices having been communicated to this Board are sent to the House of Delegates and his Excellency has caused the Clerk of the Council to go with the Members appointed to carry the same and read them in the House to the Members thereof who are desired to appoint a select Committee to examine M^r Charles Carroll, M^r Amos Garrett, M^r Levin Denwood, M^r George Gale, M^r Jacob and M^r John Duvall & others who give Account of Clarke's Dollars and Pieces of Eight and of Captain Silvester Welsh's selling the Country Powder to Daniel Wells who lately assisted Clarke and his Company out of the Mouth of South River and is now gone with several others to him and of several Persons attempting to run away in Order to join the said Clarke
Signed p Order W Bladen Cl. Co.

Here follows the Report of the Committee desired

Maryland ss Monday March 31st 1707

At a select Committee appointed by the Honble House of Delegates to examine several Persons and Depositions relating to the late Disturbance of the Peace of this her Majesty's Government intended by Richard Clarke and his Accomplices held in the Stadt-House the Day and year above said

Where were present Col^o John Contee, M^r Robert Bradly M^r William Frisby, M^r John Waters, and M^r William Pearce, Committee

Who elect Col^o John Contee Chairmann and make Choice of Richard Dallam for their Clerk.

M^r William Bladen Clerk of her Majesty's Honble Council being sent for by the Committee appears and reads several Depositions and Declarations of several Persons the Purport whereof follows Viz.

William Stimpson declares that Daniel Wells of Ann Arundel County assisted Richard Clarke out of South River and after he was gone stayed in Company with a Fellow that termed himself a Privateer and drank at Christopher Smither's and M^{rs} Jane Burnell's in Annapolis where they asked Stimpson

to swear to be secret and that they would take a Shallop and go to North Carolina to Richard Clarke, who would be merry enough Wells said he could have forty Men go with him and that he could have several Families out of those Parts Wells said he had broke two of Clarke's Dollars and should be apprehended presently He said he had fifty good Dollars and that Stimpson should have Part if he would go with him Advised him to take his Master's Shallop told him where Clarke lived in North Carolina saying he had taken up six hundred Acres of Land and they would go to him and then Clarke would be up with his Friends in two Months they told him that if they would go with them he should be Second and the other Sailor Captain. Wells said Winter and Roper went away with Clarke That if they went to plunder a Town Clarke was to be Commander on Shore That Clarke would make Money enough and that they would have their Laps full and plunder the Spanish Towns and to that End would get a Vessel and Ammunition as soon as they could. Stimpson asked the Sailor his Name who replied he was nameless. Daniel Wells said That if Clarke came up to Annapolis, he would find as many Friends as any Body. Thomas Peacock declares That M^r Garrett's Servant, William Cooper proposed to him to run away and told him of Thomas Harvey, John Murphy, Richard Williams, John Keyton and Richard Hickcock who had agreed to do the like Richard Williams named two more. Peacock asked their Names, to which Cooper made Answer what signified it he should know when they came

The Time intended was Sunday the sixteenth of March Instant. They proposed to take M^r Bruff's Boat or any other Vessel.

John Keyton declares That Cooper asked him to go a Privateering down to the Whore Kills and said John Murphy and M^r Edwards Man had agreed to go with him on Sunday next That Murphy would get two Gallons of Rum for their Voyage understood that that they were going down to the Whore Kills in order to join Daniel Wells and others who they heard were there and a Privateer bound to the Spanish West Indies William Cooper told him that Stimpson lay at a House over the Bay where Clarke had lain some Time before who said he would bring a Vessel with Guns and blow up the Town and that the Privateer was an Artist. Richard Williams the Taylor upon his Examination denied every Thing but was confronted by the Oath of Thomas Harvey who declared that Richard Williams asked him to go a Privateering and told him one William Monmouth had acquainted him of a Privateer setting out and that they would go to Carolina.

I. H. J.

P. 151

L. H. J. William Pearson says that Cooper asked him to go with him to which he agreed and that he had got Provisions. That he went to the Water Side but not finding Cooper there he returned. John Murphy says That being much in Debt in fear of being arrested he had Thoughts of running away that he discoursed Cooper about it and that Stimpson was privy to their Intentions.

William Cooper declares that he had agreed to run away with Peacock, Afterwards Hickcock and Pearson agreed to go with them after that John Keyton who asked them if he and Stimpson designed to go a Privateering whereto he answered he knew not but if he would come to Town a Parcel of them had agreed to go together. Says Stimpson did not agree to go with them though he discoursed several Times
p. 152 about it That Peacock and Hickcock agreed to take Bruff's Boat, and if that were not sufficient to take M^r Jones Shallop and go to the Capes of North Carolina Says he saw Wells, Stimpson and the Privateer at Smither's That he went thither but was not suffered to come into their Company That Stimpson desired him to go Home and Stimpson stayed drinking with them all Night Says Richard Williams knew their Intent and discoursed several Times in the Old Field about it Stimpson told him that Clarke designed to be up in a little Time and blow up the Town and that he and the Privateer that carryed off Wells would buy a Sloop and come and play some Prank here and then go to Privateering they would fit out of North Carolina Since Friday Morning he said he believed Daniel Wells was gone to Clarke says John Murphy was much indebted, designed to run away, sold some of his Goods, raised four or five Pounds, got Biscuit, Meat and two Gallons of Rum for the Voyage.

Then M^r William Bladen withdrew and M^r Levin Denwood was called in

Who solemnly declared that John Tunston brought in some Servants which he sold in Somerset County that they had Caballs together wherein they proposed and designed to run away with M^r Gale's Sloop and a Woman Servant belonging to Nehemiah Covington discovered it to her Mistress as also two other Servants of his That Philip Covington's Servant had been run away three weeks and concealed by them in a Loft and that they fetcht him from thence That they had a Design to go to the Southward, and that the Day he came from Home they were apprehend with Design to be carried before a Magistrate.

Then M^r Denwood withdrew and M^r George Gale called in who declared That he was informed by M^r Nehemiah Covington that Servants to the Number of nine whereof were six

Men one Lad and two Women were intended to run away L. H. J. with a Sloop belonging to the said Gale and to have carryed with them a Month's Provision What their Intentions was or where to go he knew not but there was in his Neighbourhood a Report that one Clark had coined Money and fled from Justice.

Then the Committee adjourned till to Morrow Morning Eight O'Clock

Tuesday April first 1707.

Committee met according to Adjournment and being all present Edward Taylor a Sailor was called in, who declared that about the latter End of February last he and M^r Jacob Lookerman Jun^r were going from Annapolis in a Shallop bound for South River and that two Men and a Boy in a small Boat pursued them out of Severn River until they came to the Mouth of South River and then coming up to the Shallop they hailed her and desired a Rope to be handed to them which M^r Lookerman denied and run to the Quarter Deck and caught up a small Hand Spike and demanded their Business to which they replied No Harm. Then requiring why they pursued the Shallop they pretended to get a Tow down the Bay the next Day going into West River they were informed that two Men and a Boy were run away and pursued by five others He says that the two Men were both well set one of them were long vizaged with brown streight Hair the other had a light Coloured Coat and light Hair. p. 153

That he believes he has seen one of them at Annapolis and that he has been informed that one of the Men came from Pennsylvania and had been a Privateer

M^r Charles Carroll says That Richard Clarke's wife sent her Son as the Son told the said Carroll to buy some Cloathing Bedding and other Particulars Things out of his Store and he demanding of the young Man whether he brought Money replied he had, whereupon he delivered him such Things as he had desired to the Value of about three Pounds: Upon the producing the Money the said Carroll found it not good but told the Lad he would keep it until he saw Richard Clarke's wife to acquaint her therewith. In some small Time after Clarke's Wife coming to the said Carroll's store and dealing with his Storekeeper to the Value of between four and five Pounds the Storekeeper upon Tender of the Money refused to take it until he had shewed the same to the said Carroll who upon View thereof found it was a base Coin such as commonly goes about the Country here and breaks in letting them drop being some Dollars some Pieces of Eight both of

L. H. J. one Metal Whereupon the said Carroll returned the Money to the said Clarke's wife and kept the Goods until she had changed the Money received of her Son and brought good Money for what She had bought herself but for Certainty of Time refers to his Shop Books.

M^r Amos Garrett says that being informed that his Servant William Cooper designed to run away with six Persons more he took Care to secure his Shallop and the said Cooper and that another Servant of his called Stimpson being Confederate with one Daniel Wells and a Sailor he took Care to inform his Excellency the Governor of it who committed the said Stimpson to Prison where he lyes That the said Stimpson has confessed he was privy to the Intentions of Wells the Sailor or Privateer and others running away and pretended he could give an Account thereof.

John Duvall says That he was informed that Captain Silvester Welsh had sold about three Pounds of the Country's Powder to Daniel Wells That he has lost his Boat and that he suspects Clarke, Winters and one Harrison stole her and carryed two Negroes with them That Wells followed Clarke, and in Pursuit was within a Day's Journey of him as he has been informed.

P. 154 Elizabeth Finely says that Silvester Welsh sent by his Negro three Pounds of the Country Powder to Wells and that Wells opened it and took some of it in his Hands and said 'tis Country Powder and that Wells paid Welsh therefor by his Servants Work in weaving some Cloth for Welsh.

April 3^d 1707.

This Committee having fully heard and considered the aforegoing Declarations do humbly report to the House That they find there was a Design framed by Richard Clarke Daniel Wells and a certain Person who termed himself a Sailor to take some Vessel and get what Assistance they could in Order to disturb her Majesty's Peace and Government here to make an Attempt upon the Town of Annapolis and burn some Houses there and whilst that Consternation continued to seize the Magazine and Powder House to furnish themselves with Arms and Ammunition in Order to go a Privateering That they had so far prosecuted their Design as to gain several Housekeepers of desperate Fortunes and other disaffected Persons to their Party and that Clarke by his Prodigality in disbursing and spreading about the Counterfeit Money had so insinuated himself into the Minds of several Servants belonging to Persons in and near the Town of Annapolis and elsewhere to join with them in their Cursed and wicked Design

and Intent. That they had Cabals together especially at Annapolis where a Time for their going was perfixed to be some Time in March last. That they had agreed to take M^r Bruff's Boat and if that not Sufficient M^r Evan Jones's Shallop or any other Vessel fit for their Turn and as soon as they had done their Mischeif here go to Carolina That Clarke was assisted out of South River by Wells and him called the Sailor who afterward came to Annapolis to prepare the others but Wells having broke some of Clark's Money was in Fear of being apprehended Whereupon he, the Sailor and Stimpson had a Meeting at the House of Smithers in Annapolis and then Wells and the Sailor went off in a Boat and pursued a Shallop wherein was M^r Jacob Lookerman Jun^r and one Edward Taylor bound for South River but not gaining their Intent made their way down the Bay and came within a Day's Journey of Clark Sometime after several of them were apprehended in Annapolis and committed to Prison, to wit, Stimpson, Cooper, Williams, Peacock and Keyton, where they now lye by his Excellency's Order (who we think deserves the utmost Thanks of the House for his Care therein) for had this cursed and villainous Design taken Effect we and our Posterity might have been ruined by the burning of the Records which we are of Opinion was the chief Intent and Design of those Villainies. As to those Persons that were running away with M^r Gale's Sloop at the Eastern Shore we are of Opinion 'twas to the same Intent of the others.

As to the Money we conceive Clark was the Maker and it's plain his wife the Disburser thereof to M^r Carroll. p. 155

As to Silvester Welsh his selling the Country Powder it's very plain by the Declaration of John Duvall and Elizabeth Finely that three Pounds of Country Powder was sold by Welsh to Wells; and it is the Opinion of this Committee that the several Persons now in Prison and concerned in the same Design and Conspiracy be prosecuted at the Common Law and that the House give Order to her Majesty's Attorney General to proceed accordingly.

All which is humbly submitted to the House for their Consideration therein

Signed p Order Rich^d Dallam Cl. Com.

Thursday April 3^d 1707.

The Committee met again by Order of the House and upon Examination of Major Josiah Wilson and the Depositions of M^r George Harris and and Elizabeth Finely taken before her Majesty's Honble [Council] are of Opinion That Williant Stimpson was one of the chief Actors in the intended Design of Clarke

L. H. J. and his Accomplices against her Majesty's Government. Also that Wells and the Privateer followeb Clarke came to Long Island in the Bay where Clarke had deen the Day before and enquired after him That they were in a small Boat well armed That Wells carryed Powder and Shot with him from Home pretended they were in Pursuit of Clarke by Order of Major Wilson That Clarke pretended himself a Merchant going to settle in News River in Carolina said many People of Maryland were following him and used many Arguments to persuade to Inhabitants about the Islands to go with him.

Signed p Order Rich^d Dallam Cl. Com.

The foregoing Report of the Committee was brought into the House of Delegates on April the 4th 1707 and being there read and considered of it's resolved the House concur therewith, and that humble Thanks be given his Excellency &^{ta}

Signed p Order W Taylard Cl. Ho. Del.

By Order of the House of Delegates the following Address to her most Sacred Majesty was ordered to be here entered Viz.

The humble Address of your Majesty's most Dutiful and Loyal Subjects your Governor Council and Assembly of your Majesty's Province of Maryland in America. In all humble manner beseeching your Majesty to give us (whose Persons not Hearts are so far removed from your Royal Presence) Leave to prostrate ourselves at your Royal feet and show unto your Majesty That the Lord Baltimore and M^r William Pen by the especial Grace & Favour of your Majesty's Royal Predecessors obtained two large and Royal Grants the former of the Province of Maryland the latter of the Province of Pennsylvania and which is a younger Grant than the former by many Years, and the Bounds of the said Provinces are contiguous and Several
p. 156 of your Majesty's Subjects of Pennsylvania have obtained Grants from M^r Pen or his Ministers and have made Settlements thereby within the Northern and Eastermost Bounds of your Majesty's Province of Maryland and upon such Lands as has been heretofore granted by his Lordship to several Persons within this Province but now claimed by and asserted to be within the Bounds of M^r Penn's Grant by the Ministers of that Government which has already caused great Disputes Suits at Law and Uneasiness among your Majesty's Subjects to the great Loss and Impoverishment of your Majestys People in each Province We do humbly pray that your Majesty will be graciously pleased in your Princely Wisdom to give your Royal Directions to the said Lord Baltimore and M^r Pen to settle and adjust their respective Bounds of the two Provinces

whereby your Majesty's Subjects may be secured and quieted in their Possessions and Settlements And we as in Duty bound will ever pray for your Majesty's long Life and happy Reign over us

Tho ^s Smith, Speaker in Behalf of the House of Delegates.	{	Thomas Tench John Hamond Fran. Jenkins Edw ^d Lloyd W ^m Holland Ja. Sander Tho ^s Ennalls W ^m Coursey	}	John Seymour
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ACTS.

Att a Session of Assembly begun and held at the Towne and Port of Annapolis in the County of Ann Arundell the Twenty Sixth day of March in the sixth year of the Reigne of our Sovereign Lady Queen Anne of England &c^a Annoque Dni one thousand Seven hundred and Seven his Excellency John Seymour Esq^r being Govern^r Were Enacted the Laws following.

Lib. 1. 1.
No. 64

An Act for the attainder of Richard Clarke of Ann Arundell County:

Whereas Richard Clark of Annarundell County hath obstinately refused to Surrender himself to Justice & take his Tryall for the Treasons and Felonies wherewith he stands Charged, and for which he still Continues outlawed by Act of Assembly of this Province, and void of all Sence of his duty either to God or our Sovereigne Lady the Queens Majesty, Plotteth and Contriveth how he may Disturbe the peace and quiet of this her Majesty's Governm^t Lawfully Established, by Perswadeing and Corrupting Diverse of the Inhabitants and others Debtors and Servants to leave their Settlements and abroad's and adjoyne themselves to him whereby he may be the better Enabled to Carry on and Execute his most Execrable and Trayterous Designes, not haveing Spared to Declare that he would bring a Vessell mounted with Gunns and burne or blow up the Towne and Port of Annapolis and the Magazine of Arms & Ammunition therein, and also do what other Mischief he should think fitt after which Pranke (as he termed it) with his Companions and Associates he would go to Madagascar and Exercise Pyrac^y:

p. 274

And Forasmuch as it is Manifest Sundry Idle Psons Servants and Debtors have very Lately Deserted their Severall habitations and abroads, & that many more now taken up and secured in her Majtys Goall in the Town and Port of Annapolis were prepareing and designed to steall a Shallop in order to Convey themselves to North Carolina or Elsewhere; where it may be supposed the said Richard Clark maketh his Rendiz-vous haveing for his better Support and Carrying on his wicked designes lately Forged & Coyned great quantity's of mony like unto the Seville and Mexico Spanish pieces of Eight and the Dollers of the Low Country's Currant here by her Majestys

Lib. L. L. Royall Proclamation. All which Illegall Wicked and Tray-
 No. 64. terous Actions give great Warning to his Excellency the Governour and this Generall Assembly to Endeavour what in them lyeth to prevent any such Wicked Enterprizes of the said Richard Clarke, and to provide for the Security and Defence of the Country against the s^d Richard Clarke and his accomplices:

Wherefore and in Reguard that all means prove Ineffectuall to Enforce the said Clarke to take a fair Tryall. Be it Enacted by the Queens most Excellent Majesty by and with the Advice and Consent of her Majestys Governour Council and Assembly of this Province and the Authority of the same that the said Richard Clarke be and is hereby Convicted and attained of high Treason, and shall suffer the Pains of Death, and incurr all forfeitures as a person attain'd of High Treson:

Aprill the 9th 1707:

p. 275 Read and Assented to by the house of Delegates.
 Signed p order W Taylard Cl h D.

Aprill the 10th 1707.

Read and Assented to by her Majesty's Hon'ble Councill.
 Signed p order
 W Bladen Cl Council.

Aprill the 15th 1707. On the behalf her Majesty Queen Anne of England &c.

I will this be a law

Jo: Seymour

An Act to prevent the abuse of breaking open and Concealing Publick & Private Letters.

Whereas the Trade and Commerce of this Province is in Great measure Confined to the Kingdom of England and the Inhabitants of this Province of Necessity are obliged to Lodge their Effects and wholly Correspond with the merchants in England by which means whe have great dependance upon their advice in Trade and often protested bills of Exch^a are remitted hither to the severall Psons interested therein w^{ch} are sometimes of Considerable Value and for want of due Care of such Letters in which the same are inclosed no settled post houses being apointed for the reception of them many Times sundry Evill minded Psons finde occasion Clandestinely to take such Letters out of the publick houses (where they are Generally Left) and break open and Conseall the same to the

great Detriment of Sundry of the Inhabitants merchants & Lib. 1. L. Traders and many ill Designing persons who have drawn bills No. 64. of Exchange not having any Bottom in England to answer the same well knowing and observing to what m'chant or merchants such bills are remitted do deligently watch the Returns of such bills from the merchants and guessing at some Letters to be the Coverts of their protested Bills get Them into their hands and destroy the same to the great Detriment p 276 of many honest traders and dealers and others Concerned and many times others out of a dishonest and inquisitive Temper Secretly take and break open publick and private Country Letters to the great Dissatisfaction and prejudice of severall the Inhabitants her Majestys Good Subjects and great Delay of Publick business for the prevention thereof for the future.

Be it Enacted by the Queens most Excellent Majesty by and with the Advice and Consent of her Majtys Governour Councill and Assembly of this Province and the Authority of the same, that if any Pson or Psons whatsoever shall hereafter presume to take and breake open the Seale or Seals of any Letter or Letters whatsoever not being unto him or them directed or not having Especiall Lycense (from the Psons to whom the same are directed their Executors or Administrators) so to do shall upon due Conviction thereof Either in the Provincially or County Courts of this province suffer Imprisonment of his her or their body or bodys for and dureing the Space of Six days without bayle or Mainprize and forfeit the sume of five pounds Sterling the one Moiety to her Majesty her heires and Successors for the support of Government the other Moiety to him or them that shall informe or sue for the same to be Recovered in any Court of Record within this Province by Action of Debt bill plaint or information wherein no Essoyn protection or wager of Law to be allowed ; And in Case any such Pson or Psons shall breake open any Letter or Letters directed to his Excellency her Majesty's Governour or any of her Majestys Councill of this province for the time being or other publick Letter Superscribed or directed for her Majesty's Service and Signed by any pson haveing authority so to do and shall be thereof Legally Convict he she or They so offending shall Suffer two months imprisonment Without p. 277 bayle or Mainprize and forfeit to our Sovereign Lady the Queen her heirs and Successors the sume of twenty pounds Sterl to be Recovered and Divided as afd. and whereas also the Sheriffe of this Province whose Duty it is to Convey Letters for her Majesty's Service are very much Complained of for their Negligence :

Be it Enacted by the Authority Advice and Consent afd that if any high Sherriffe or his Deputy or Deputy's receive any

Lib. L. L. publick Letter he shall if required give a receipt for the same
 No. 64. shewing the day and hour when he received the same and when
 he deliver's the same Letter to the next Sheriffe or party to
 whom Directed the party that receives the same shall Likewise
 if required give such Like receipt to the Sheriffe that first Re-
 ceived it and if any high Sher or his Deputy or Deputy's for
 whom the high Sheriffe shall be answerable shall refuse to
 give such receipt to be proved by the Oath of the Person de-
 manding such receipt or having received such letter shall will-
 fully Neglect Immediately to forward such Letter as Directed, so
 that such Letter is Stopped Twenty four hours Longer then it
 reasonably need be (respect being had to the wind & Weather)
 the high Sheriffe shall forfeit the sume of two thousand pounds
 of tob^o in Caske the one Moyety thereof to our Sovereigne
 Lady the Queen her heirs and Successors for the Support of
 Government of this province the other Moiety to him or them
 that will sue for the same to be recovered by action of Debt in
 any Court of Record in this province, and such Neglect of such
 p. 278 Sherr^s shall be Evidenced by the date of the receipts :

And the better to ascertain what Letters shall be accounted
 publick Letters:

Be it Enacted by the Authority advice and Consent a^d that
 all Letters directed to the Governour of this Province for the
 time being Endorsed for her Maj^{ty}s Service and all Letters sent
 by the Governour haveing his or the Clerk of the Councill
 name Endorst and for her Maj^{ty}s Service directed to any pson
 Whatsoever and all Letters sent by any Member of her Maj^{ty}s
 Councill wth the subscribers name Endorst and for her Maj^{ty}s
 Service and all Letters sent by a Justice of the Provinciall
 Court wth the Subscribers name Endorst and for her Maj^{ty}s
 Service & all Letters sent by the publick Treasurers of Each
 Shore to any Navall officer with the Subscribers name Endorst
 and for her Maj^{ty}s Service shall be accounted only publick
 Letters shall not Refuse to give a receipt as afd under the
 penalty afd any former Law usage or Custome to the Con-
 trary Notwithstanding :

Aprill 9th 1707

Read & Assented to by the house of Delegates

Signed p order W Taylard Cl h D.

Aprill the 10th 1707

Read and Assented to by her Maj^{ty}s hon^{ble} Council

& Signed p order W Bladen Cl Counc.

April 15th 1707Lib. L. L.
No. 64

On the behalf of her Maj^{ty} Queen Anne of England &c. I
will this be a Law. Jo: Seymour

An Act for Relief of Thomas Manning of Calvert County: p. 279

Whereas Thomas Manning of Calvert County Inholder is become so farr in Debt that his whole Estate is not near Sufficient to pay his Debts but is willing to Lay down all, both his Reall and Personall Estate to be by Equall proportion Divided amongst his Creditors but they will not accept the same in full discharge of their severall and respective Debts so that he may be Inlarged from prison and intirely have to himself for his own sustenance what goods or possessions by his future industry he shall acquire and hath humbly supplicated this Generall Assembly to appoint some fit pson at proper time and place to receive a true account of his whole Estate which the Assembly thinking reasonable to do & to no Profit to have him Continually kept in prison forever humbly pray that it may be Enacted.

And be it Enacted by the Queens most Excellent Maj^{ty} by and with the Advice and Consent of her Majesty's Governour Councill and Assembly of this Province and the Authority of the same that Richard Johns and George Harris two of his principall Creditors on or before the first Day of May next Ensuing shall give notice under their hands in writing to the Rest of his the said Manning's Creditors to meet at a day and place Certain to make Choice in writing of three of the Creditors to whom the keeper of the great Seale of this Province upon Sight of any Writing testifying such Election shall have full power and Authority by Commission under the said Seale and by vertue of this Act to grant full power and Authority to take by Their Discretions such order and Discretion wth all the aft Debtors Lands Tenements and hereditaments & also with his mony goods Chattells Servants Slaves wares merchantdizes and Debts wheresoever they may be found or known & Cause the said Lands Tenements and hereditaments goods Chattells Serv^{ts} Slaves wares Merchantdizes and Debts to be searched veiwd Rented and appraised to the best Value they may, and by deed indented and Inroll'd in her Majesty's Provinciall Court or County Court where such Land Lyeth to make Sale of the said Lands Tenements and hereditaments belonging to the Debtor afd and also to make Sale of all his goods Chattells Servants Slaves wares merchantdizes and Debts or otherwise to order the same for true Satisfaction of the said Creditors (that is to say) to every of the said

Lib. L. L. Creditors (be they Creditors by Specialty or by account
No. 64. only proved) a portion Rate like according to the Quantity
of his or their Debts & that every Direction order bargain
Sale and other thing done by the said psons so author-
ized as afd shall be good and Effectuall in Law to all intents
Constructions and purposes against the said Debtor and his
heir or heirs Child or Children and ag^t all other Pson or Psons
Claiming by from or under him.

And be it further Enacted that the Creditors so to be Com-
missionated or any two of them may enlarge the said debtor
out of prison as soon as they please after such Comission
granted them and shall not Suffer him to be detained in prison
any Longer then they are Satisfyed that he hath upon oath
made a true Discovery of all his Estate and after the said
p. 281 Debtor now in prison is Inlarged he shall Never be imprisoned
or sued again for any Debt that he now ows and all his Cre-
ditors are by this Act Compelled to take their portion rate Like
as afd or Else to loose their whole Debt and all the Cost &
Charge that shall accrue by such Comission and warning and
meeting of the Creditors shall be paid by the said Commis-
sioners out of the said Debtors Estate two & a half p Centum
for the Commissioners Sallary before Division made of The
Debtors Estate :

Aprill the 9th 1707

Read & Assented to by the house of Delegates.

Signed p order W. Taylard Cl h. D.

Aprill 10th 1707

Read and Assented to by her Maj^{ty}s hon^{able} Councill.

Signed p order W Bladen Cl Council.

Aprill the 15th 1707.

On the Behalf of her Maj^{ty} Queen Anne of England &c I
will This be a Law
Jo: Seymour

An Act against forging and Counterfeiting of Forreign
Coyns Gold or Silver :

Forasmuch as Diverse Evill Disposed Persons have of late
forged and Counterfeited Severall Forreigne Coyns Comonly
Received amongst her Maj^{ty}s Subjects of this Province for
Curr^t in paym^t to the great Damage of her Maj^{ty}s s^t Subjects
being thereunto Encouraged for th^t there has not heretofore

been any Condigne punish^t by Law Pvided for such offenders wherefore & in order to Deterr such Like Offenders for the future from such Evill & pⁿitious practices: Lib. L. L.
No. 64.

Be it Enacted by the Queens most Excellent Majesty by p. 282
and with the advice and Consent of her Maj^{ty}s Governour Councill & Assembly and the Authority of the same that if any Pson or Psons after the Publication of this Act falsely forge Counterfeit or Clip any such kind of Coyn of Gold or Silver as is not the Pper Coyn of the Kingdom of England or shall aid assist or Abett any offender or offenders doing the same Either by Concealing them or by any other ways or means Countenance such offenders in their said offences Every such offender his aiders abettors and Countenancers therein for the first offence shall be Whip't Pilloured and Crop't in both Ears and for the second offence shall be Branded on the Cheek and banished upon due Conviction in any of her Maj^{ty}s Courts of Record within this Province:

Aprill the 9th 1707. Read and assented to by the house of Delegates Signed p order W Taylard Clk h D.

Aprill the 10th 1707. Read & Assented to by her Maj^{ty}s hon^{ble} Councill & Signed p order W Bladen Cl Council.

Aprill the 15th 1707. On the behalf of her Maj^{ty} Queen Anne of England &^{ca} I will this be a Law. Jo: Seymour

An Act for preventing the Exportation of Tobacco out of this Province by Land before the Dutys payable be paid or well secured to the severall officers appointed or to be appointed for receiving the same.

Whereas for some years past it has been a frequent practice p. 283
by Severall Merchants and other Inhabitants as well of this province as of the province of Pensilvania and the Territory's thereunto belonging to Export by Land from the upper parts of this province into Pensilvania & the territory's thereof Great quantity's of Tob^o without paying or securing to be paid the duty's & Customs due thereon by the Statutes of England and the Laws of this province to the great prejudice of her Maj^{ty} and the severall Psons Interested in the said Duty's & the trade of This pvince for the prevention whereof for the future:

Lib. L. L.
No. 64.

Be it Enacted by the Queens most Excellent Majesty by and with the advice and Consent of her Majesty's Governour Councill and Assembly of this province & the Authority of the same that from and after the publication hereof all Planters Merchants Factors and others having property or Disposall of any Tobaccoes in the upper parts of this province and who shall pmit suffer or Connive at Carrying the same out of their houses Custody or possession in order to be Rowled or Carted over Land into the province of Pensilvania or territory's thereunto belonging before such Pson intending to Carry away the same produce unto such Planter Factor or Merchant haveing the property or disposall thereof an Authentick Certificate under the hand and Seale of the officer or officers of the district importing the place where the tobacco lyes and of whom the same was bought and that all the duty's payable upon the Exportation of Tob^o out of one plantation into another are answered unto such officer or officers such pson so pmitting suffering or Conniving at the Carting or Rowling such Tobacco and the owner purchaser pson Rowling or Carting and their assisters and abettors or any of them shall for every hogshead or for every four hundred pounds of Tobacco so Carryed or Designed to be Carryed as afd and prorato for a greater or lesser quantity forfeit the sume of tenn pounds Sterling one half thereof to him her or those that shall informe or sue for the Same the other half to her Maj^{ty} for support of Government to be Recovered in any of the Courts of Record within this Province, haveing Jurisdiction of the sume forfeit by bill plaint action of Debt or information wherein no Essoyn protection or wager of Law to be allowed:

p. 284

Aprill the 9th 1707. Read and assented to by the house of Delegates. Signed p order W Taylard Cl h D.

Aprill 10th 1707. Read and assented to by her Maj^{ty}s hon^{ble} Councill & Signed p order W Bladen Cl Council.

Aprill 15th 1707. On the behalf of her Maj^{ty} Queen Anne of England &c. I will this be a Law. Jo. Seymour

An Act for Suspending durement the Queens pleasure the prosecution of the Priests of the Romish Communion Incurring the penaltys of the Act to prevent the growth of popery in this province by Exercising their Function in a private Family of the Roman Communion but in no other Case whatsoever.

Whereas at a Sessions of Assembly begun and held at the Town & Port of Annapolis the fifth day of September in the

third year of her Maj^{ty}s Reigne and in the year of our Lord God one thousand seven hundred and four An Act passed Intituled An Act to prevent the growth of Popery and that afterwards viz. Att a sessions of Assembly begun and held at the Town and port afd the fifth day of December one Thousand seven hund^d and four upon Due Consideration of the said Law, the Consequences thereof as also what the reall intent of the same was by his Excellency the Governor of this pvince her Maj^{ty}s Hon^{ble} Councill and the Delegates & Representatives of the people in Assembly one other Act passed In ituled An Act for Suspending the prosecution of any priest of the Communion of the Church of Rome incurring the penaltys of the said former Act by Exercising his Function in a private family of the Roman Communion but in no other Case Whatsoever for Eighteen months or untill her Maj^{ty}s pleasure therein known which said her Maj^{ty}s pleasure therein known which said Last act was further Continued for twelve months or her Maj^{ty}s pleasure known by an Act to that purpose made at a sessions of Assembly held at the Town and port of Annapolis the second day of Aprill Anno Domi. one Thousand Seven hundred and Six and both the said former Acts being taken into her Majestys Royall Consideration out of her Gracious Tenderness to all her Subject behaveing themselves peaceably and quietly under her Maj^{ty}s Govrnm^t she has been graciously pleased by her order to his Excellency the Governour of this province bearing date at the Councill board at Whitehall the Third day of Jan^{ry} one thousand seven hundred and five to Direct that a new Law or Clause of a Law should be Enacted in this province Whereby the said Act of Assembly Suspending the Excution of that part of the said first mentioned Law for preventing the growth of popery Viz. as to the prosecution of any priests of the Communion of the Church of Rome incurring the penaltys of the said Act by Exerciseing their function in a private family of the Roman Communion but in no other Case whatsoever may be Continued without any other Limitation of time untill her Majesty's further pleasure be declared and Signified therein In obedience whereunto

Be it Enacted by the Queens most Excellent Majesty by and With the Advice and Consent of her Majesty's Governour Councill and Assembly of this province and the Authority of the same that not any Popish Bishop Priest or Jesuit shall by vertue of the said Act of Assembly to prevent the growth of Popery within this province for or by reason of the Exercerciseing his function in a private family of the Roman Communion be prosecuted or indicted before any of her Majesty's Justices impowered to hold plea thereof within this province for and untill her Maj^{ty}s Royall will and pleasure shall be first Signi-

Lib. L. L.
No. 64.
p. 285

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Lib. L. L. No. 64. fied therefore any Law Statute or usage to the Contrary Notwithstanding:

Provided always that this Act nor any thing therein Contained shall be Construed or taken in any wise to Extend to the defeating Rescinding abrogateing or suspending the force Vigour or Effect of the afd act for preventing the growth of popery in any other matter or thing whatsoever or for or during any Longer time than what is herein Expressed and Declared.

p. 287 Aprill the 9th 1707 Read and Assented to by the house of Delegates. Signed p order. W Taylard Cl. h. D.

Aprill the 10th 1707. Read & Assented to by her Maj^{ty}s hono^{ble} Councill, & Signed p order. W Bladen Cl. Councill.

Aprill the 15th 1707 On behalf of her Maj^{ty} Queen Anne of England &^{ca} I will this be a Law Jo: Seymour

An Act Confirming the Last will & Testam^t of Thomas Knighton Late of Annarundell County Deceased:

Whereas Thomas Knighton late of Annarundell County in this her Maj^{ty}s Province of Maryland the Twelfth day of August Anno Dni. one Thousand Six hundred Eighty & four made Signed Sealed Published and Delivered his Last Will and Testament bearing the same Date in the presence of Captain Robert Procter Master George Parker & Coll^o W^m Holland Witnesses Subscribed thereto therein & thereby Disposing of Divers Lands and Tenements to Severall Psons and uses therein Expressed and after some time Dyed and thereupon Dinah Knighton his Executrix therein named Caused the Will afd to be proved in Com^{on} forme by the oath of the said Collonel William Holland the surviving Wittness thereto before Master Henry Bonner Deputy Com^{ry} for the County afd who transmitted the same to the Com^{ry} Generall's office to be Recorded as usuall but in as much as it hath so happened that by the Negligence of the Clerk who Recorded the same in transcribing thereof forgetting to Record the probat the s^d Will is at p^{sent} ineffectuall to answer the Devises therein

p. 288 made for Remedy thereof:

Be it Enacted by the Queens most Excellent Majesty by and with the advice and Consent of her Majesty's Governour Councill & Assembly of this province and the Authority of the same that the will of the said Thomas Knighton so as afd Re-

corded in the Records of the Commissary's office for probat of wills and granting Administrations &c. be and is hereby Declared adjudged Deemed and taken to all Intents and purposes whatsoever to vest make and Settle in the severall psons therein mentioned their heires and Assignes such Estate or Estates as by the Common Construction and acceptance of the said Will had the probat thereof Duly appeared on Records are given granted or Devised Any Law Statute or usage or Lack of Probat of the said will to the Contrary in any wise Notwithstanding

Lib. L. L.
No. 64.

Aprill the 9th 1707 Read & Assented to by her Maj^{ty}'s hon^{ble} Councill & Signed p order W Bladen Cl Coun.

Aprill the 15th 1707

On the behalf of her Maj^{ty} Queen Anne of England &c^a I will this be a Law. Jo: Seymour

An Act for removeing of Thomas Howell now Lying under Execution for Debt in the Custody of the Sherriffe of Cecill County into the Custody of the Sherriffe of Kent County. p. 289

Be it Enacted by the Queens most Excellent Majesty by and with the advice and Consent of her Maj^{ty}'s Governour Councill and Assembly of this province and the Authority of the same that Thomas Howell of Cecill Co^{ty} Gentleman being now under Execution for Debt in the Custody of the Sherriffe of Cecill County for Divers and Sundry sums of mony and Tob^o at the suit of Diverse & Sundry Psons shall by the Sherriffe of Cecill County afd be assigned over Carryed and Conveyed in Execution for the Debts and Matters which he now or before such Assignment over shall stand Charged with in the Custody of the said Sherriffe of Cecill County into the Custody of the Sherriffe of Kent County where the wife and Family of The said Thomas Howell now live and where the Estate of the said Thomas Will Lye when and as soon as the Devisions of the said Countys of Cecill and Kent shall take Effect according to a late Act of Assembly of this province for that purpose made and that by vertue of this Act the Sherriffe of Cecill County shall be and is Authorized Impowered and required to Deliver & assigne over to the sher of Kent County the said Thomas Howell by whatsoever name or names he shall be Called or for whatsoever Debt or Cause he shall be Committed by Indentures according to the usuall and accustomed forme used from one Sherriffe to another and that from and after such assignment and delivery the Sherriffe of Kent

p. 290

Lib. L. L. County afd shall be and is by this Act Impowered and Re-
 No. 64. quired to keep and retain in his Custody the said Thomas
 Howell for all such Debts and Causes as he shall be assigned
 over and particularly Expressed in such Indenture and shall be
 deemed to be Chargeable for any Escape that may by the said
 Howell be made from him in as full and Ample manner to all
 intents and purposes as if the said Howell had been Committed
 into his Custody by any Court or Courts of Law whatsoever
 or taken by him by any process whatsoever Issuing out of any
 Courts of this Province any Law usage or Custom to the
 Contrary Notwithstanding :

Provided alway's that Nothing in this act shall be Deemed
 to Debarr or hinder the Sherriffe of Cecill County for haveing
 takeing and receiving all such just fees as to him shall be due
 from the said Howell but for that he shall have the same
 remedy for recovery thereof as if this Act had Not been made
 neither shall the Sherriffe of Cecell County be lyable to any
 action of Escape after such assignment for any Escape made
 by the said Howell for or any Cause mentioned in such Inden-
 ture as afd to be made between him and the Sherriffe of Kent
 County aforesaid :

Aprill the 9th 1707 Read and assented to by the house of
 Delegates. Signed p order. W Taylard Cl h. D.

Aprill the 10th 1707. Read and assented to by her Maj^{ty}s
 hon^{ble} Councill & Signed p ord^r W Bladen Cl Councill

Aprill the 15th 1707

On behalf of her Maj^{ty} Queen Anne of England &c. I will
 this be a Law. Jo : Seymour

p. 291 An Act for Recording in the Commissary Generalls office
 severall Copy's of Wills and Inventorys and other proceed-
 ings of the Late Deputy Commissary of Dorchester County.

Whereas in the year of our Lord Christ one Thousand
 seven hundred and five a Certain Humphrey Hubbard was
 Deputy Com^{ty} of Dorchester County & had taken the probat
 of Severall Wills; Inventory's of Estates & Accompts of Exe-
 cutors and Administrators w^{ch} he Carrying over the bay to the
 Com^{ty} Generall's office lost by haveing his boat and the
 writings therein burnt but forasmuch as he had Copys of the
 same w^{ch} he hath Affirm'd by oath to be true and produced
 the same before this Present Generall Assembly being as fol-
 loweth (that is To say)

A Copy of the Last will and Testam^t of Thomas Phillips of Lib. L. L.
No. 64. Dorchester County.

A Copy of An Inventory of all and Singular the goods & Chattells of Thomas Phillips late of Dorchester County.

A Copy of the last will and Testament of Edward Dawson of Dorchester County.

A Copy of an Inventory of the goods & Chattells of the said Edward Dawson.

A Copy of an Inventory of all and Singular the goods & Chattells of Thomas Phillips late of Dorchester County

A Copy of the last will and Testament of Edward Dawson of Dorchester County.

A Copy of an Inventory of the goods & Chattells of the said Edward Dawson

A Copy of an Inventory of the goods and Chattells of John Lyon late of Dorchester County.

A Copy of the last will and Testament of Henry Bowes of p. 292 the County of Dorchester.

A Copy of an Inventory of all Goods and Chattells of the said Henry Bowes.

A Copy of a bond Signed by Mathew Field Humphrey Hubbard Remand Fothing.

A Copy of the Last will & Testament of Thomas Newton.

A Copy of an Inventory of The goods and Chattells of Thomas Newton

A Copy of an Inventory of the Goods and Chattells of Benjamin Hill

A Copy of an Inventory of the goods and Chattells of Thomas Thacker of Dorchester County

A Copy of an appraisment of the Goods and Chattells of John Alford

A Copy of the Last will and Testament of Francis Twyford of Little Choptanck

A Copy of an Inventory of the Goods and Chattells of Edward Cooke of Dorch^r County

A Copy of an Inventory of The goods & Chattells of Edward Taylor Senior of Dorchester County.

A Copy of the Last will and Testament of Richard Kendall of Dorchester County

A Copy of Thomas Tayler's and Thomas Gray's appraise-ment of The Goods of Eliz^a Thomas.

Be it therefore Enacted by the Queens most Excellent Majesty by and wth the Advice and Consent of her Maj^{ty}s Govern^r Councill and Assembly of this province and the authority of the same that paper book Containing the Copys p. 293 abovesaid and some proceedings of the said Humphrey Hubbard in granting Letters of Administration and Takeing ac-

Lib. L. L. counts shall be Recorded in the Com^{ry} Generall's office and be
No. 64. reputed and taken for the Originall Wills Inventory's and proceedings to all intents and purposes whatsoever.

And be it further Enacted by the Authority Advice and Consent afd that after the same is Recorded that the Com^{ry} Generall Issue out Citacons to Cause all psons that by the said booke appears to have Entered into any bond to Come before him or before his Deputy in Dorchester County to Enter into new bonds because the originall bonds were burned w^{ch} if any one refuses to do the pson refuseing shall be proceeded against as in Cases of Contempt in the said Comissary Generall's office.

April 10th 1707 Read and assented to by the house of Delegates.
Signed p order W. Taylard Cl h D.

April the 10th 1707 Read and assented to by her Maj^{ty}s hon^{ble} Councill & Signed p order

W Bladen Cl Council

Aprill the 10th 1707. On the behalf of her Maj^{ty} Queen Anne of England &^{ca} I will this be a Law.

Jo: Seymour

An Act for Naturalizacon of John Francis Holland of Baltemore County

p. 294 Be it Enacted by the Queens most Excellent Maj^{ty} by and with the advice and Consent of her Maj^{ty}s Governour Councill and Assembly of province and the authority of the same that John Francis Holland of Baltemore County by Birth a German shall from hence forth be adjudged reputed and taken as a naturall borne Subject of this province and that by vertue of this Act he be inabled and adjudged to all intents and purposes to demand Challenge ask have and Enjoy any Lands tenements Rents or hereditaments whatsoever to which he might be any ways intituled as if he had been a naturall borne Subject within this province & be Enabled to maintain prosecute avow Justify & Defend all & all manner of Accon or Accons real or psonall suits plaints pleas and other demands Whatsoever as Liberally Franckly freely fully Lawfully and Effectually to all intents and purposes as if he had been a Naturall borne Subject wth in this province.

Aprill the 10th 1707 Read and Assented to by the house of Lib. L. L.
Delegates Signed p order. W Taylard Cl h D. No. 64.

Aprill the 10th 1707 Read and Assented to by her Maj^{ty}s
hon^{ble} Councill & Signed p order
W Bladen Cl Council

Aprill the 15th 1707 On behalf of her Maj^{ty} Queen Anne of
England &c I will This be a Law
Jo: Seymour

An Act Explaining Some Doubtfull Expressions in the Act p. 295
for Limitation of Officers fees

Whereas in the said Act for Limitation of officers fees it is
Expressed the Secretary shall have for every Execution and
Returne. And a blank left for the Sume when it ought to have
been Expressed Twenty Eight pounds of Tobacco.

Be it Enacted by the Queens most Excellent Maj^{ty} by and
with the Advice and Consent of her Majesty's Governour
Councell and Assembly of this province and the Authority of
the same that he shall have for an Execution and returne
Twenty Eight pounds of Tobacco and for any matter Entered
upon Record not Exceeding half a side Eight pounds of To-
bacco and for every Continuance in Chancery Sixteen pounds
of Tobacco.

And be it Enacted That such fees in the Severall Cases
aforesaid as were appointed by his Excellency the Governour
in Councell to be paid to the Secretary untill this present session
of Assembly shall be Satisfyed and paid to the Secretary by
the psons from whome the same are due and on non payment
thereof it shall be Lawfull to Levy the Same by way of Execu-
tion.

This Act to Endure so Long as the said Act for limitacon
of Officers fees shall be in force and no Longer.

Aprill the 10th 1707 Read and assented to by the house of
Delegates. Signed p order W Taylard Cl h D.

Aprill the 10th 1707. Read & Assented to by her Maj^{ty}s
hon^{ble} Councill & Signed p order. W Bladen Cl. Council.

Aprill 15th 1707

On the behalf of her Majesty Queen Anne of England I will
this be a Law.
Jo: Seymour.

Lib, L. L. An Act giving power to the Farmers of the Lord Baltremores
 No. 64. Rents to recover the arrears thereof after Expiration of
 p. 296 their lease.

Whereas the Right honourable Charles Lord Baron of Baltimore Lord and Proprietary of the Province of Maryland and Avalon. And Edward Somerset of Pantley in the County of Gloucester in the Kingdom of England Esq^r by Indenture bearing Date the Sixteenth day of October in the year of our Lord Sixteen hundred ninety Nine for Diverse good Considerations in the said Indenture Expressed did grant bargain Sell and Demise unto Richard Bennett & James Heath of the province of Maryland Merchants their Executors Administrators or assigns all and every those yearly and other rents sume and sumes of mony Issues and profitts due and payable from the respective owners Tenants farmers or occupiers of any Lands or other hereditaments in the province of Maryland then held or dureing the terme of Eight years next to Come from the first day of August Last past before the Date of the said Indenture for Eight years should be held of the said Charles Lord Baltimore by patent grant or demise and also all manner of fine or fines forfeitures and alienations and all arrearages of the same due and unreceived and which should grow due and payable from the Respective owners Tenants Farmers and occupiers afd and all the Estate and Estates right Tittle interest Claime and Demand Whatsoever of Them the said Charles Lord Baltimore and Edward Somerset To have hold receive and Take the said Rents Sume and Sumes of mony Issues and profitts fines forfeitures and alienations and all other the premisses unto the said Richard Bennett and James Heath their Executors Administrators and Assignes from the said first day of August last past before the date of the said Indenture for Eight years next Ensuing which said Eight years will be Completed and ended the first Day of August one thousand seven hundred and Seven On which Day the arrears of the afd Rents Issues Sumes of mony fines Forfeitures and alienations will really be the proper Estate of the said Rich^d Bennett and James Heath but the rents Issues sums of mony fines forfeitures and alienations which after the said first day of August One thousand seven hundred and Seven shall accrue Will be the Estate or Estates of the said Lord Baltimore and Edward Somerset and the said Richard Bennett and James Heath Cannot Possibly by the said first day of August one Thousand Seven hundred and Seven receive all the rents Issues and arrearages which will be due to them by reason many tracts of Land Belong to orphans of Which none will at present pay

the rent and many more Tracts Belong to p^{rs}ons out of this province and also through Tenderness and Mildness the said Richard Bennett & James Heath have forborne vigorously to Levy their dues on p^{rs}ons at p^{rs}ent not able to pay. Lib. L. L.
No. 64.
p. 298

And Whereas also remedy for Recovery of the said Rents Sumes of mony fines forfeitures and Alienations by way of Distress after the said first day of August one thousand Seven hundred and Seven will Cease from the said Richard Bennett and James Heath their Executors Administrators or assigns and that by the strict rules of the Common Law if the said Lord Baltemore and Edward Somersett or their agents receive one years rent after the said first Day of August one Thousand Seven hundred and Seven and give receipt therefore such rec^t will be a defeazance and Discharge against all such arrearages as will then belong to the said Rich^d Bennett and James Heath their Executors Administrators or Assignes.

Be it therefore Enacted by the Queens most Excellent Majesty by and with the advice and Consent of her Maj^{ty}'s Governour Councill & assembly of this province and the Authority of the same That all such right Title interest property Claime & demand Which they the said Richard Bennett and James Heath their Executors Administrators or assigns have or ought to have by vertue and power of the a^d Indenture of in and to all the Rents Issues Sumes of mony fines forfeitures and Alienation which on the said first day of August one Thousand Seven hundred & Seven will be due to them on arreares shall Continue until all be Satisfyed and paid and that by vertue of this act they the s^d Richard Bennett and James Heath their Execut^{rs} Administrators and assigns shall be and are hereby Enabled to Sue for and recover the same by action of Debt in any Court of Record of this province that may hold plea thereof against which no wager of Law shall be allowed nor any Act of Lymitation be pleaded and that no subsequent receipt or Discharge that shall be made to any p^{rs}on or p^{rs}ons by the said Lord Baltemore and Edward Somersett or their Agent or Agents receiver or receivers of them or their heires shall be a barr discharge or Defeazance against any such arrears that on the said first Day of August one thousand Seven hundred and Seven shall be due to the said Richard Bennett and James Heath their Executors Administrators or Assignes. p. 299

Provided always And be it further enacted th^t where any arrears as a^d shall be due and owing from any orphan Whatsoever no accon of Debt shall be brought against such Orphan Dureing his Minority or for and dureing the terme of five years (next after their Coming to the Age of Twenty one

Lib. L. L. years) Provided the said arrears Exceed five hundred pounds
No. 64. of Tobacco and such orphans after their Coming to their full
age do not sell Alienate or Dispose of their Lands.

Aprill 10th 1707. Read and assented to by the house of
Delegates Signed p order. W Taylard Cl h D.

Aprill 10th 1707 Read and assented to by her Maj^{ty}s
hon^{ble} Counc^l & Signed p order W Bladen Cl Council.

Aprill the 15th 1707. On the behalf of her Maj^{ty} Queen
Anne of England &c. I will this be a Law
Jo: Seymour

p. 300 An Act Repealing An Act Intituled An Act to prohibitt the
Exportation of European Comodities out of this province.

Be it Enacted by the Queens most Excellent Maj^{ty} by and
with the Advice and Consent of her Maj^{ty}s Governour Councell
and Assembly of this province and the Authority of the same
That one act of Assembly made at a Session of Assembly be-
gun and held at the Town and Port of Annapolis the Second
day of Aprill in the year of our Lord one Thousand Seven
hundred and Six. Entituled An Act to prohibitt the Exporta-
tion of European Comodity's out of This province and every
article Matter Clause and Thing therein Contained shall be
and is hereby utterly Repealed and made void.

Aprill 10th 1707. Read and assented to by the house of
Delegates. Signed p order W Taylard Cl h D.

Aprill the 10th 1707 Read in Councill and Assented to by
her Maj^{ty}s hon^{ble} Councill & Signed p order
W Bladen Cl Councill.

Aprill the 15th 1707 On behalf of her Maj^{ty} Queen Anne of
England &c. I will this be a Law. Jo: Seymour

An Act to Continue to the Sheriffs of Talbot Kent and Cecell
County's power of Execution for publick Dues & officers
p. 301 fees within the present bounds of their severall Countys
after the first of May next till the Last of June next after or
untill their Severall Comissions Expire which shall first
happen.

Whereas by an Act of Assembly Intituled An Act for the
Deviding and regulating Severall Countys on the Eastern
Shore of this Province and Constituteing a County by the

name of Queen Ann's County within the said province made at A Session of Assembly begun and held at the Town and Port of Annapolis Aprill the Second and ended the nineteenth of the same Month Anno Dui one Thousand Seven hundred & Six the bounds of Severall County's on the Eastern Shoar will be altered after the first Day of May one thousand seven hundred and Seven and by Consequence the power and Authority of the Sherriffs of the said Severall and respective County's will be altered to the very great inconvenience and Disorder of Publick Affairs for prevention whereof

Lib. L. L.
No. 64.

Be it Enacted by the Queen's most Excellent Maj^{ty} by and with the Advice and Consent of her Majty's Governour Councill and Assembly of this province and the Authority of the same that the Severall Sheriffs of Talbot County Kent County and Cecill, the former act Notwithstanding have power and Authority to Levy by way of Execution all publick Levys fines forfeitures and other publick Dues & all officers fees which may be Lawfully levyed by way of Execution within any part of the present bounds of the said Severall County's Provided such Execution be done before the last Day of June next Ensuing or before the present Comission of such the said now Severall Sherriffs Expire according to which Terme shall first happen any former Law Usage or Custom to the Contrary p. 302 Notwithstanding.

Aprill the 10th 1707 Read and Assented to by the house of Delegates Signed p order. W Taylard Cl h D.

Aprill the 10th 1707 Read and Assented to by Her Majty's hon^{ble} Councill & Signed p order. W Bladen Cl Councill.

Aprill the 15th 1707

On behalf of her Maj^{ty} Queen Anne of England &c.

I will This be a Law.

Jo: Seymour

An Act to prevent Cropping Cutting and Defaceing Tobacco Taken on board Ships and Vessells Upon freight.

Whereas the Inhabitants of This province That do ship their Tobacco on board of Ships or other Vessells upon Freight are much Injured by the Cropping Cutting Lessening deminishing & Defacing of the hogsheads wherein such Tobacco is packt by the Masters of Ships or other Vessells or by other psons

Lib. L. L. on board the said ships or Vessells under their Comand and
 No. 64. government for remedy whereof for the future.

Be it Enacted by the Queens most Excellent Majesty by
 and with the Advice and Consent of her Maj^{ty}s Governour
 Councill & Assembly of this province and the Authority of
 the same that every Master of Ship or other Vessel within
 p. 303 this province that shall Lett out his ship or Vessel to freight
 shall at the time when he enters his Ship or vessel with the
 navall officer enter into bond wth one sufficient security to the
 Queens Maj^{ty}s her heirs & successors in the Summe of Two
 hundred pounds Sterling upon Condition that he shall not for
 that voyage Cut or Cause or suffer to be any ways Lessened
 Diminished Defaced or Impaired any hogshead or hogheads
 of Tobacco Shipt on board his Ship or Vessel by any Inhabit-
 ant Merchant or Factor within this province upon freight and
 the Severall and respective Navall officers within this province
 are required by this Act to gett Copy's of this Act and hang
 them up in their respective Offices, for which Copys they
 shall have the Allowance of one hundred pounds of Tobacco.
 Each officer in each County leavy & the Officer that Takes
 such bond shall have two Shillings and Six pence and no more.

And be it Enacted by the Queens most Excellent Majesty by
 and with the advice and Consent of her Maj^{ty}s Governor Coun-
 cill and Assembly of this province and the Authority of the
 same that if any Master of a Shipp or other Vessel within
 this province that after the end of This session of Assembly shall
 put out his Ship or Vessel to freight and shall presume to take
 into his Ship or Vessel any hogshead or hogheads of Tobacco
 upon Freight before he hath Entered into bond with one
 Sufficient Surety according to the Direction of this Act he
 shall forfeit one hundred pounds Sterling one half thereof to
 the Queen's Majesty her heires & Successors for the support
 of the Government of this province & the other half to him or
 p. 304 Them That will sue the same to be recovered by action of
 Debt Bill plaint or Information in any Court of Record within
 this province haveing Jurisdiction thereof Wherein no Essoyn
 protection or wager of Law to be allowed,

And be it further Enacted by the Authority afd by and with the
 Advice and Consent afd that if any Master of a Shipp or other
 Vessel within this province shall receive any hogshead or hogs-
 head's of Tobacco on Board his said Ship or Vessel upon
 freight and shall Either by himself or any officer or other pson
 on board his said Ship or Vessel under his Command Cut or
 Suffer any hogshead or hogheads of Tobacco to be Cut Cropt
 Lessened in their Length or breadth or by any other ways or
 means abused defaced or Impaired that then and in every such
 Case such Master of a ship or Vessel for every hogshead of

Tobacco so cutt or Suffered to be Cut Cropt or Lessened in the Length or breadth abused Defaced or Impaired upon oath made thereof by one Sufficient Wittness or a Certificate thereof made under the hand and Seale of his office of any one of her Majestys Custom house officers in England shall forfeit Three pounds Sterling one third part thereof to her Majesty her heires and Successors for the Suport of the Government of this province and the other two Thirds thereof to the party grieved for recovery whereof the bond so as afd to be given shall at the prayer of the party be put In suit and prosecuted to Judgm^t. This Act to Continue for Three years and to the end of the next Session of Assembly w^{ch} shall happen after the Three years.

Lib. L. L.
No. 64.

Aprill 10th 1707. Read and Assented to by the house of Delegates
Signed p order. W Taylard Cl h D.

Aprill the 10th 1707. Read and Assented to by her Maj^{ty}s hon^{ble} Councill, & Signed p order W Bladen Cl Councill

Aprill the 15th 1707. On behalf of her Maj^{ty} Queen Anne of England &c. I will this be a Law
Jo: Seymour

A Supplementary Act to the Act for advancement of Trade p. 305
and Erecting Ports and Towns.

Whereas Severall Towns within this province were ordered and Intended to be Layed out according to An Act of Assembly of this province Entituled an Act for advancement of Trade and Erecting Ports and Town's in the province of Maryland made at an Assembly begun and held at the Port of Annapolis the second day of Aprill One Thousand Seven hundred and Six, but for Severall reasons some of the said Towns were not Laid out within the Time prescribed within the said Act so that the time being Elapsed diverse Inhabitants of this province have petitioned this present Generall Assembly to have the said Towns revived and others Erected.

Be it therefore Enacted by the Queens most Excellent Maj^{ty}, by and with the Advice and Consent of her Maj^{ty}s Governour Councill and Assembly of this Province and The Authority of the same That the severall and respective Commissioners nominated and appointed in and by the said Act in their Severall and respective Countys (Except where other Commis- p. 306
sioners are by this Act appointed) shall be and are hereby Authorized & Impow'ed to purchase Cause to be Surveyed

Lib. L. L. laid out and Divided into Lotts the Severall and respective
 No. 64. Lands hereafter in this Act mentioned and appointed for
 Towns according to the same rules and Directions in the said
 Recited Act Contained on or before the first day of September
 next (That is to say)

The Land at Benedict Leonard Town in Charles County by
 the said recited act appointed for a Town one other one hun-
 dred acres of Land shall be and is by this Act appointed and
 Erected into a Town in the s^d County Lying on the uper Side
 of Nanjemy Creek on Potomack River upon part of the Land
 now or Late in the possession of Martin Campbell and the Land
 adjoining thereto; and also one hundred acres of Land to be
 Erected into a towne in Somersett County at a place Called
 half round hill on the South side of Wiccomoco River; in
 Prince Georges County a Town to be Erected on the South
 Side of Piscattaway Creek at or near the head thereof to Con-
 taine forty or fifty acres of Land at the Discretion of the said
 Commissioners for Towns in the said County and that three
 acres of Land whereon George Harris of Prince Georges
 County Merchant hath built Dwelling houses and Store houses
 shall from hence forth be adjudged accepted reputed and taken
 to be part of Nottingham Town within the said County where-
 unto it ajoyns and shall Injoy all benefitts previledges and
 p. 307 Advantages to The said Town belonging; In Kent County
 the place for the Town and Port there by the said Act Erected
 upon Chester River shall be deserted and in Liew Thereof
 the said Port & Town with the Court house of the said County
 shall be built at the place where The Commissioners for Towns
 in the said County have purchased Land for the same, and
 That the place appointed for Shrewsberry Towne on Sassafrax
 River by the said Act appointed be also deserted and Laid
 out where the Commissioners for Towns in Kent County
 aforesaid have purchased Land for the Same; In Cecell County
 the place by the said Act appointed for a Town on Prices Neck
 in Elk River where the Court house of the said County shall
 be built for the building whereof the Comissioners formerly
 appointed shall have full power to Act and proceed as by the
 Act of Assembly for that purpose made they are Impowered
 Authorized and required, and also fifty acres of Land more to
 be laid out for a town on the plantation formerly belonging to
 Isaac Calk near the head of Sassafrax river; In Queen Anns
 County the place appointed for a Town by the said Act on the
 Land of Robert Smith Esquire shall be deserted and in lieu
 thereof one hundred acres of Land upon the plantation of
 Major John Hawkins in Courseys Creek and the Convenient
 Lands adjoining thereto shall be Erected into a Town where
 the Court house of the said County shall be built according to

the direction of the Act of Assembly for that purpose made as
 and one other one hundred acres of Land in the said County
 shall and is hereby Erected into a Town at the plantation of
 Master William Swetenham in Coursivall Creek in Chester
 River in Dorchester County one hundred acres of Land to be
 Erected and laid out for a Town on a point Called Phillip^s his
 point on the north Side of Fishing Creek in Hunger River
 and the Town Called Little Yarmouth in transquaking river
 shall be deserted in Baltemore County the place appointed for
 a Town on Gunpowder River on the Land Called Fosters
 Neck shall be deserted and in lieu thereof fifty acres of Land
 shall be Erected into a Town on a Tract of Land on the said
 River belonging to Ann Felks Called Taylors Choice and that
 the Court House of the said County shall be built there. In
 Anna Arundell County the Towns allotted by the said recited
 Act to be laid out at herring Creek to Containe fifty acres and
 no more. and The Town and port of Annapolis with the
 Town of West river (which said Town of West River shall
 Containe but fifty acres of Land) not being as yet Laid out
 according to the direction of the said Recited Act shall be laid
 out at the places and according to the Direction of the said
 recited act by the time by this Act appointed and also that fifty
 acres of Land at a place upon Petuxent River Called Pigg
 Point shall be and is by this Act allotted for & Erected into a
 Town, And also fifty acres of Land more upon the North
 branch of the said River at a place opposite to Queen Ann's
 Towne in Prince Georges County shall be and is hereby allotted
 for and Erected into a Town wth said Towns and Ports shall be
 Laid out and divided into Lotts according to the discretion of
 the Commissioners hereafter in this Act for that purpose
 appointed and to that end.

Lib. L. L.
 No. 64.

P. 308

Be it Enacted by the Authority advice and Consent and
 That Master Samuel Young Master Charles Greenberry
 Master Richard Jones Master Joseph Hill Master Seth Briggs
 Master Josiah Towgood Master Samuel Chambers M^r John
 Lamb Master William Nicholson Master Anthony Smith M^r
 Thomas Gassoway Master John Battee Master Henry Lazenby
 Master James Sanders Junior and Master Stephen Warman
 or any five or more of Them shall be and are hereby ap-
 pointed Comissioners for the Laying out of the said Towns
 and port and shall be and are by this Act Authorized and Im-
 powered to have the same power and Authority as the Com-
 missioners in the said recited Act Ever had or ought to have
 and for as much as many Persons have Taken up Lotts within
 the Supposed bounds of the Town and Port of Annapolis
 (since the makeing of the s^d recited) Act Notwithstanding the
 same was not Laid out by the Commissioners according to the

P. 309

Lib. L. L. direction of the said Recited Act and by such their Takeing
 No. 64. up have Ingrost the greatest part of the Lotts within the same
 Town and port into very few hands to the great Discourage-
 ment of Severall Neighbours and others th^t would build & live
 therein

Be it Therefore Enacted by the Authority Advice and Con-
 sent afd that if any pson Whatsoever hath taken up any Lot
 or Lotts within the Town and Port of Annapolis since the time
 of the making of the said Recited Act such Takeing up shall
 not give any Right or Title to such Taker up his heires or As-
 signes but that such lott or lotts so taken up shall be free to
 p. 310 be taken up again by any psons that will Take up and build
 upon the same according to the direction of this Act & the
 said Recited Act in as full and ample Manner to all Intents
 and purposes as if the same had never been Taken up.

And forasmuch as the Land allotted for the Town and Port
 of Oxford in Talbott County by the first Laying out of the
 same Town did Containe one hundred twenty four acres but
 by the said recited Act made Anno one Thousand Seven hun-
 dred and Six there Is no more alloted for the same then one
 hundred acres of Land,

Be it therefore Enacted that the Town and Port of Oxford
 shall on or before the first day of September next Coming be
 by the Comissioners nominated and appointed in the said
 recited Act Surveyed and Laid out according to the former
 plat and when so Laid out the Comissioners according to their
 discretion shall Leave out Twenty four acres of Land from the
 said one hundred Twenty four acres and the Lots remaining
 within the one hundred acres only shall be adjudged the Town
 and port of Oxford altho the same do not Containe one hun-
 dred Lots to the End that the Lots already taken up and built
 upon may not be altered or Lessened.

And forasmuch as Diverse of the Inhabitants of This prov-
 ince who would build and Settle in Towns and to that End
 have Taken up Lots in the Towns Laid out by the Commis-
 sioners of the severall Countys pursuant to the said recited
 Act, but for want of Nailles to build their houses wth by the
 p. 311 Time in the said recited Act allotted for building Thereof are
 apprehensive or fearfull of Loosing Their Lotts already Taken
 up as afd and others kept from taking up Lotts for preven-
 tion whereof and Incourageing the building and settleing In
 the said Towns,

Be it Enacted that if any pson or psons That already have
 or That hereafter shall Take up any Lot or Lotts within any
 such Town or Towns Laid out as aforesaid within this province
 by vertue of The said Recited Act he she or they so taking
 up such Lott or Lotts and Erecting building and Finishing one

good house that shall Containe four hundred Square feet of ground besides Shedd's upon every such Lott so taken up or to be Taken up as aforesaid on or before the first day of September, which shall be in the year of our Lord one Thousand seven hundred and Eight shall by vertue of such Takeing up and building have hold and Enjoy to him and his heires forever a good Estate of Inheritance in fee Simple of in and to the said Lott so built upon as aforesaid with all Rights and previledges thereto belonging in as Large and ample manner to all Intents and purposes as if the same had been built upon within the Time appointed by the said recited Act any Thing in the said Act to the Contrary Notwithstanding.

Lib. L. L.
No. 64.

And be it further Enacted by the Authority advice and Consent aforesaid That if any Town or Towns within this province other or more Then what is Expressed in this Act and by the said Recited Act appointed to be Laid out for Towns by the time in the said recited Act mentioned have not as yet been laid out accordingly that the Severall and Respective persons appointed Commissioners in and by the said Recited Act in the severall and respective Countys of this province shall have the same power and Authority to purchase lay out and Divide into Lotts the severall pieces of Land appointed for Towns as aforesaid in as full and beneficiall manner to all intents and purposes as they had by vertue of the said recited Act Provided such Towns be laid out by the first day of September one Thousand Seven hundred and Seven. p. 312

And that all Tobacco and Merchantdizes of the Growth and production of this province May be brought only to those Ports or Towns.

Be it Enacted by the Authority advice and Consent aforesaid that all Tobacco and other Merchantdizes of the growth and production of this province design'd to be Exported out of this province by Land or water (Except Timber pipe Staves billets and wooden ware) shall after the tenth day of September which shall be in the year of our Lord one Thousand seven hundred and Eight for that End be brought to some port or other Town in This [province] and the said recited Act appointed which Towns That are not Ports shall be deemed and Taken to be members of some port (that is to say) all the Towns rivers Creeks & Coves in Talbott County and the Towns rivers Creeks and Coves in great Choptank and Little Choptank in Dor' County and Kent Island in Queen Anns County shall be deemed and Taken to be members of the port of Oxford, all the Towns Rivers Creeks and Coves in Cecell Kent and Queen Ann's County (Except Kent Island) shall be deemed and Taken to be members of the port of Chester Town in Chester River, all the Towns rivers Creeks and Coves in Somerset County and p. 313

Lib. L. L. the remaining part of Dorchester County shall be deemed and
 No. 64. Taken as members of the port of Greenhill in Wicocomoco River. All the Towns on both sides of Potuxent River adjoining to or near the River with the Rivers Creeks and Coves thereof shall be adjudged deemed and Taken to be members of Port S^t George at Beckwith's Island in Potuxent River all the Towns in Baltemore & in Ann Arundell County's with the Rivers Creeks and Coves thereto belonging (Saveing on Potuxent River) shall be deemed and Taken as members of the port of Annapolis, all the Towns in Potomack River wth the Rivers Creeks and Coves thereunto belonging shall be Deemed and Taken as members of the Port of Saint Marys in Potomack River.

And be it further Enacted that all Comānders of Ships or Vessells after their Arrivall into this pvince shall enter their Ships with the Navall Officers and Collectors of the Severall and respective Districts where they Designe to ride and unload and shall not Enter wth the officers of another District for that it is found by Experience that by such practice much deceit is
 p. 314 Used in Concealing part of their Loading and the dutys arising Thereupon to the use of this province & that the Comānders of Ships and Vessells may have notice hereof all Navall Officers shall be and are hereby obliged fairly to transcribe and hang up this Clause in their severall offices.

And be it further Enacted by the Authority Advice and Consent afd that the Court house of Talbot County shall be Erected and built at the Town of Oxford in the said County and the Comissioners appointed in a former Act for building the same or any five or more of them shall be and are by vertue of This And the said former Act Authorized and Impowered to build the same their according to The Direction of the said former Act.

And be it further Enacted by the Authority Advice and Consent afd that all and Every the Survey^{rs} of The Severall and respective County's within this province who have or shall be Required to Lay out and Divide any Town Lands into Streets Laines and Allies shall by vertue of this Act be obliged to Deliver unto the Commissioners of the Severall and Respective Towns on or before the first Day of October one Thousand Seven hund^d & Seven a fair plat of Each Town wth the Course and Distance and quantity of Land Contained in every particular Lott Street Lane and Allie fairly drawn upon parchment
 p. 315 to be kept as a record for the bounds of such Towns, and to Encourage such Surveyers fairly to draw the same and do their duty therein.

Be it Enacted that such Survey^{rs} shall for every such platt be Satisfied and paid out of the County Levy the Summe of four hundred pounds of Tobacco.

And for as much as the Commissioners for Towns have already and must hereafter lay out and disburse severall Sums of Tobacco or mony to Sherriffs Chaine Carryers and others Employed by them in the laying out of such Towns, Lib. L. L.
No. 64.

Be it Enacted that all reasonable Expences that any the Commissioners for Towns have or shall lay out or Expend to any Sherriffe Workmen labourers or Chaine Carryers in Laying out such Towns shall be Satisfyed and reimbursed the same by the County out of The County Levy.

And for a more Speedy and easy way of Conveying and Transferring Lotts from one person To another.

Be it Enacted that if any pson or psons haveing Taken up or that shall take up any Lot or Lotts within any Port or Town of this province and haveing right to Sell and Dispose thereof shall Sell or dispose of the same or any part thereof such Sale shall be entered in the register of the said Town by the Town Clerk where the Land lyes which said Town Clerk shall make a Certificate of such Sale Expressing the Consideracon with the meets and bounds of what is sold or Transferr'd from and to whome which Certificate being Delivered by the Vendee to the Clerk of the County Court in the County where the Town lyes shall be by such County Clerk recorded and such Entry Certificate & Record Thereof in the County Court shall be Deemed adjudged reputed and Taken to transferr & give such Vendee his heires and Assignes a good Estate according to the Tennour of such Certificate of Bargaine and Sale and barr the Vendor and his heirs and all others in as full and ample manner to all intents and purposes as if such bargain and Sale had been made by deed indented acknowledged and Recorded Between such Vendor and Vendee and for such Entry and Certificate thereof there shall be paid to the Town Clerk by such Vendee the sume of fifty pounds of Tob^o and no more and to the County Clerk for recording the same the sume of fifty pounds of Tobacco and no more any law Statute usage or Custom to the Contrary Notwithstanding p. 316

And be it further Enacted that all Court houses to be built or appointed to be built by This Act in any County of this province and all other Charges that have arisen or shall arise or become due to any pson or psons whatsoever either for the Laying out of any Town Land or building of any Court houses shall be satisfied and paid by the Inhabitants of the respective County's where such Charge hath arisen or shall arise and that the Severall and Respective Justices of the peace in their Severall and respective Countys of this province shall be and are by this Act Authorized Impowered and required to Levy and raise a fund to Satisfy and discharge the same by an Equall p. 317

Lib. L. L. Assessm^t by the poll upon the Taxable p^{rs}ons in the severall
No. 64. County's of this province

And for the more Easy and better Carrying Tobacco to or from any Towns Ports or Publick Landings in this province on board any Ship or Vessell or from one Port or Town to another within this Province,

Be it Enacted that it shall and may be Lawfull to and for any Person or P^{rs}ons whatsoever to take on board any open boate or Vessell being Eighteen foot or under by the Keel any Tobacco and transport the same from one Landing Town or Port to another or from any Port or Town on board any Ship or Vessell within this province without any p^{mt}it to be Taken for The same from any the Navall officers or Collectors of This province and if any Tobacco shall be Shipt of from any Landing Town or Port within this province in order to be Carryed to another port or Town or on board any Ship or Vessell within this province in any open boat Sloop Shallop or other Vessell being above Eighteen foot by the Keel the owner or master of such open Sloop Shallop boat or Vessell shall give Security to the Navall officers in the sume of forty
p. 318 pounds Ster. not to Carry the same out of this province and shall be obliged to take and the Navall officer to give a yearly p^{mitt} to such Sloop Shallop boat or Vessell for the same for which yearly p^{mt}it the Navall officer shall take and receive for his fee the sume of two Shillings and six pence & no more.

And be it further Enacted that the Standard of weights and measures appointed to be kept in the severall Countys of this province shall from and after the first day of September one Thousand Seven hundred and Eight be kept at such Towns in the severall Countys of this province where the Court house of the said County shall be built which shall always be at such Town as is nearest the Center of the County and most Convenient for The Inhabitants of the severall Countys of This province (except only where the Court houses are appointed by this act) and that no p^{rs}on or p^{rs}ons whatsoever using any measures or weights shall presume to sell any Comodites whatsoever by such weights or measures or receive any Tobacco by any Stiliards without Trying Them with the standard before they make use thereof according to the Direction of The Act of Assembly Intituled An Act relateing to the Standard of English weights and measures and incurring the penaltys by the said Act Imposed.

And forasmuch as many of the Inhabitants of this province
p. 319 Live remote from Towns and Cannot Get their Tobacco thither or Weighty Goods from thence but by water Carriage,

Be it Enacted that the severall and respective Comissioners appointed for laying out of Towns within the severall Countys

of this province or any five of Them shall be and are hereby Authorized Impowered and required at any Time hereafter to appoint in the Severall and respective Countys of this province publick Landing Places where tobacco may be brought to in order to be water borne and Carryed to any Town of this Province or goods brought from any Town and Landed at such Landings for the use of The Inhabitants of this province which said Comissioners shall purchase of and from the owners of The Land where such Landing Places are half an Acre of Ground Convenient to such Landing place whereon to build rowling houses to be paid for to such owners by the partys to whom the same shall be allotted and if such Commissioners Cannot agree with the owners thereof or if the owners be absent out of this province or any ways Disabled from makeing such Sale the said Comissioners shall have the same Power and Authority to take up and Cause the same to be Surveyed and laid out as they have to survey and Lay out any Town Lands within this province and shall proceed therein in all things according to the powers and Directions by the said recited Town Law to them given and shall appoint what number of Rowling houses shall be built at Such Landing places and to whome the same shall appertaine and be allotted. Provided alwaies that such Land to bild Rowling houses upon shall not lye above two furlongs from the water in any County of this Province and That the Surveyors for doing the same shall be paid by the County Levy at the discretion of The Comissioners. Lib. L. L.
No. 64.

And forasmuch as it hath been represented to this present Generall Assembly that the Port and Town on beckwith's Island in Petuxent River in Saint Mary's County doth not Containe one hundred Acres of Land and that it hath been Laid out and Divided into Lotts Leaving a strand next the River which proves very incomodious to and Disincourages many psons to build and settle There,

Be it Enacted that the Comissioners for Towns in S^t Mary's County shall be are hereby Authorized Impowered and required on or before the said first day of September one Thousand Seven hundred and Seven Again to lay out and divide the same Island Called Beckwiths Island into Lotts Streets Lanes and Allies without any Strand to be left next the water and that the said Comissioners or any five of Them shall be and are hereby Authorized Impowered and required to Lay out so much Land on the said Island at such place as in Their Discretion they shall think meet and Convenient whereon to Erect fforts and Publick Buildings and The Land that shall remain after such Laying out of Ground for fforts and Publick buildings with Streets Lanes and Allies shall be p. 320

Lib. L. L. Laid out and Divided into one hundred Lotts (Saving the
No. 64. Rights of such psons that have already built in The said Town)
at the discretion of the said Comission^{rs} and The said Port and
Town shall not be Extended or Laid out upon any Land but
the Island only anything in the said former Law to the Con-
trary Notwithstanding

And be it Enacted by the Authority afd that from and after
the first Day of January one thousand Seven hundred & Seven
all high Sherriffs and Clerks of the County Courts shall be and
are hereby obliged actually to reside and Inhabit in such Ports
or Towns where County Court houses are already built or to
be built and if no Court house be in a Town or Port Then Such
high Sherriffs and Clerks shall & are hereby obliged to reside
and inhabitt in such Town as shall be most Comodious to the
inhabitants of such County under the Penalty of one hundred
pounds Sterling to our Sovereigne Lady the Queen to be
divided one third to her said Majesty for the Support of Gov-
ernment one Third to the use of such Port or Town where any
Such Court house shall be built and if the Court house is not
Standing in any Town then to the use of the Town next Ad-
jacent to the Court house and the other third to the Informer
or him or them that sue for the same to be Recovered in any
p. 322 Court of Record within this province by bill plaint or Informa-
tion wherein no Essoyn protection or Wager of Law To be
allowed.

Aprill 11th 1707

Read and Assented to by the house of Delegates.

Signed p order W Taylard Cl h D.

Aprill the 11th 1707

Read and Assented to by her Maj^{ty}s hon^{ble} Council

Signed p order W Bladen Cl Council

Aprill the 15th 1707

On behalf of her Maj^{ty} Queen Anne of England &c.

I will this be a Law.

Jo. Seymour

An Act for Releife of Debtors and ascertaining the manner of
Lenders in Tob^o

Whereas Severall honest psons within this province being
Indebted in Tobacco to diverse psons Merchants and others
and well disposed to pay the same, takeing Care therefore by
providing the Tobacco but oft times it so happens that because

an opportunity or conveniency doth not offer to the Creditor to Dispose thereof they do frequently Refuse neglect and Delay to receive the said Tobacco in discharge of the Debts whereby the Debtor remains in Debt & the tobacco by him procured to pay the said Debts remains in his hands Subject to all Casualties on the Debtors accompt & w^{ch} he dares not make use of for fear of his Creditors demanding and suing after for the Debt: for remedy whereof for the Future

Lib. L. L.
No. 64.

Be it Enacted by the Queens most Excellent Maj^{ty} by and with the Advice and Consent of her Maj^{ty}s Govern^r Councill and Assembly of this province and the Authority of the same that any pson or psons whatsoever inhabiting within this province and now being or that hereafter shall be indebted to any merchant or others either resident in or trading to this province that hath tobacco ready according to the nature of the Debt he ows and is willing to pay the same and hath offered it to his Creditor his factor or Atturney and by him or them refused neglected or Delayed to be received as afd. It shall & may be lawfull to and for such Debtor or Debtors at any time between the first Day of November and the last day of March in every year during the Continuance of this Act and at no other times to repaire to the next Justice of peace and there before him upon making oath of such tob^o being already tendered and neglected refused or delayed to be received as afd the said Justice shall and is hereby Enjoyned impowered and required to appoint two Sufficient psons of the neighbourhood (not being of kin Either to the Debtor or Creditor) where such Debtor shall Dwell to view Search and Look upon such tob^o so ready to be paid in Discharge of the Debt and tendered as afd w^{ch} two psons so appointed shall take their oaths to be administered by the Justice afd well and truly to try & Examine into the matter afd & make report thereof to the Justice afd and if upon viewing the same it be found that the tobacco afd be Clean Sound and Merchantable and fit to be paid in Discharge of the Debt afd they shall and are hereby Impowered & Authorized to make the said Tob^o in hogsheads upon the head and Bulge for such Creditor as afd and weigh the same and Signify the neat weight thereof unto the justice afd w^{ch} tobacco so tendered neglected or refused viewed marked and weighed as afd shall for ever after be Esteemed and taken as the pper goods and Tobacco of the Creditor and in absolute Discharge of the Debt afd or of so much thereof as the same tobacco shall weigh (provided that Each hogshead weighs five hund^d neat or upward) and because many Contracts bills and bonds may be of Different natures and Circumstances. It is hereby further Declared and Enacted that upon every such viewing as aforesaid the Creditor his

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Lib. L. L. ffactor or Attorney shall have notice thereof by the said debtor
 No. 64. & if he do not Come to the place & make known by shewing
 the Contract or Obligation the Circumstance or nature of the
 Contract or Obligation, if the tob^o viewed as afd be Cleane
 from trash sound and merchantable it shall be marked and
 weighed in discharge of such debt be the same of what nature
 soever and the pson in whose houses the tob^o Lyes or shall
 Lye shall take Care of & pserve the same for one whole year
 as they are obliged to do tobacco Actually received by any
 Creditor Merch^t or others any Law Statute or Usage to the
 Contrary Notwithstanding.

And be it further Enacted by the Authority Advice and
 Consent afd that if any Debtor who hath tendered Tob^o to his
 Creditor w^{ch} is in very good Condition Clear of all manner of
 Trash according to the Ten^r of the Specialty afd & well packt
 in good Seasoned hogheads and w^{ch} hogsheads of tobacco
 Containe five hund^d pounds of neat tobacco at the least and
 w^{ch} the Creditor refused & hath such tob^o ready to Tender
 and pay to his Creditors, be yet Notwithstanding sued & pse-
 cuted at Law in order to recover such tob^o as he shall be
 indebted to his Creditor if at the Tryall the Deft shall make
 appear by one Sufficient Evidence th^t he Tendered to the
 Plaintiff such his Debt in such Tobacco qualified as afd haveing
 the tob^o ready and full packt in hogheads before the Plaintiffe
 purchased his writt that then and in every such Case the
 P. 325 Plaintiffe shall not recover any Costs of Suite Against the
 Defendant but shall pay to the Defend^t what Cost the Defend^t
 hath in that Cause Expended to be Deducted out of the
 Plaintiffs Debt by the Court before whom such suit shall be
 and the Plaintiffe shall have Judgment for what shall be remain-
 ing due to him after such deduction made as afd.

And in Case any Plaintiff after such recovery had of any
 quantity of Tobacco against any Defendant haveing tob^o packt
 in hogsheads and qualified as afd shall refuse upon The Defen-
 dants Tendering such tob^o to receive the same but shall sue out
 Execution against the defend^t whereby the Defendant is taken
 in Execution and imprisoned then & in such Case any friend of
 the said Defendants so Imprisoned may on behalf of such
 Prisoner go to the high Sherriffe & require him to Certify to
 the next Justice of peace at whose Suit and for what sune the
 said prisoner is in Execution w^{ch} Certificate the Sherriff shall
 make Gratis and give to such pson requiring the same within
 five hours after such Demand under penalty of two thousand
 pounds of tob^o in Casq. to be forfeited by the high Sherriffe if
 he willfully refuse to make the same the one half thereof to her
 Maj^{ty} her heires and Successors for the Support of Governm^t
 the other half to the party grieved to be recovered by accon of

Debt in any Court of Record of this pvince, w^{ch} Certificate so obtained any friend or agent of such prisoner shall shew to such next Justice of peace, And if such friend or agent will averr that the prisoner hath tobacco Ready to pay such Debt or damages recovered Convenient & th^t such friend will open & shew the same, the said Justice of Peace shall Either go in person or send two discreet Psons Sworne before him to view the tobacco & weigh it and make Report thereof & if it happen the tobacco is sound M^{ch}antable & of such weight to discharge the whole Sume menconed in the Execution, Then shall the said justice give notice to the Sherriffe in Writing under the hand of such justice by the Agent of such prisoner, that Except such Sherriffe Come and Show good Cause to the Contrary that the said justice will Cause the said Tobacco to be marked on the Creditors risque & if Cause be not Shewed within fforty Eight houres after the Date of such Writing w^{ch} shall be dated on or at a Certain hour of a certain day th^t then the justice shall Cause the said Tob^o to be marked and Numbered and shall send the Sherriffe a Certificate of the mark number weight and place where such Tobacco lyes on the Creditors Account & in Case the prisoner is not in his Custody on any other account, he shall suffer him (paying or giveing Security for his fees) to go at Large and shall not be answerable upon any Action of Escape and if after this the Sherriffe detain the prisoner any Longer in prison, such Detaining shall be adjudged false Imprisonment.

This Act to indure three years or to the end of the next Session of Assembly w^{ch} shall happen after the said three years.

Aprill the 11th 1707

Read and Assented to by the house of Delegates.

Signed p order. W Taylard Cl h D.

Aprill 11th 1707 Read and assented to by her Maj^{ty}s hon^{ble} Councill & Signed p ord^r W Bladen Cl Councill

Aprill the 15th 1707. On the behalf of her Maj^{ty} Queen Anne of England &c. I will this be a Law. Jo: Seymour

An Act for the Killing of Wolves and Crows.

Be it enacted by the Queens most Excellent Maj^{ty} by & wth the Advice and Consent of her Maj^{ty}s Governour Councill & Assembly of this province & the Authority of the same that hereafter for incouragement of the inhabitants of this Province her Maj^{ty}s Subjects their Servants and Slaves to take some

Lib. L. L.
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Lib. L. L. pains and make it their business to destroy wolves, That the
No 64. sume of three hundred pounds of Tob^o be allowed to every
such Inhabitant that shall bring a wolves head to any Justice
of Peace in that County Leavy where the wolve was killed
Provided that he that brings it shall before he have Certificate
thereof make oath that he himself or some other of her Maj^{ty}s
Subjects their Servants or Slaves and not an Indian did kill
the same in that County and the Justice of Peace shall Cause
the tongue to be Cutt out that it may not be presented againe.

And if an Indian bring a wolves head to any justice of peace
he shall have for his Sattisfaccon two hundred pounds of tob^o
wth shall be Sattisfyed out of the County Levy where the wolve
was Killed and every justice of peace is required to make the
Incouragement allowed the Indians as effectuall as he Can

And if any of her Maj^{ty}s Subjects bring a wolves head and
will not make oath that it was killed by themselves or some other
of her Majesty's Subjects their Servants or Slaves as aforesaid
he shall have but two hundred pounds of tobacco.

And for every Crows head that shall be brought to any Jus-
tice of Peace their shall be paid to the pson bringing the same
Six pounds of Tobacco according to the direction of the Late
Act of Assembly for killing of wolves and Crows.

This Act to endure for three years and to the end of the
next Sessions of Assembly after the end of the said three years.

April 12th 1707 Read & Assented to by the house of
Delegates. Signed p order. W Taylard.

April 12th 1707 Read and Assented to by her Maj^{ty}s hon^{ble}
Councill & Signed p order W Bladen Cl Councill.

Aprill the 15th 1707 On behalf of her Maj^{ty} Queen Anne
of England &c^a I will this be a Law Jo: Seymour

p. 328 An Act Reviving a Certain Act of Assembly of this province
Intituled An Act prohibiting the Importation of bread beer
flower wheat or other English or Indian grain or Meale
horses or Mares Colts or filley's from Pensilvania and the
territorys thereto belonging made at a Session of Assembly
Begun and held at the Port of Annapolis the fifth day of
September one thousand seven hundred and four.

Be it Enacted by the Queens most Excellent Maj^{ty} by and
with the Advice and Consent of her Maj^{ty} Gov^rn^r Councill and
Assembly of this province and the Authority of the same that
the above mentioned Act phibiting the Importation of bread

beer fflower wheat or other English or Indian grain or meall
horses mares Colts or ffylleys from Pensilvania and the terri-
torys thereto belonging and every thing article and Clause
therein Contained be and is hereby revived and Continued in
full force & Strength from and after this present Session of
Assembly for and dureing three years and to the End of the
Session of Assembly that shall first happen next after the three
years.

Lib. L. L.
No. 64.

Aprill 12th 1707 Read and Assented to by the house of
Delegates. Signed p order. W Taylard Cl h D.

Aprill 12th 1707 Read and Assented to by her Maj^{ty}s hon^{ble}
Councill & Signed p order W Bladen Cl. Councill

Aprill the 15th 1707 On behalf of her Maj^{ty} Queen Anne of
England &^{ca} I will this be a Law. Jo: Seymour

An Act Reviving An Act for Speedy Conveying Publick
Letters and pacquetts of this Province & Defraying the
Charge thereof made at a session of Assembly begun and
held at the Port of Annapolis the fifth Day of September
one thousand Seven hundred & four p. 329

Be it Enacted by the Queens most Excellent Maj^{ty} by and
with the Advice and Consent of her Maj^{ty}s Govern^r Councill
and Assembly of this Province and the Authority of the same
that the above mentioned Act for Speedy Conveying publick
Letters and pacquets of this Province & Defraying the Charge
thereof and every thing article & Clause therein Contained be
& is hereby revived and Continued in full force and Strength
form and after this present Session of Assembly for and
dureing three years and to the end of the Session of Assembly
that shall first happen after three years.

Aprill 12th 1707 Read & Assented to by the house of
Deleg^{ts} Signed p ord^r W Taylard Cl h D

Aprill 12th 1707 Read & Assented to by her Maj^{ty}s hon^{ble}
Councill & Signed p order W Bladen Clerk Councill

April the 15th 1707

On behalf of her Maj^{ty} Queen Anne of England &^{ca} I will
this be a Law Jo: Seymour

Lib. L. L. No. 64. An Act Reviving a Certain Act of Assembly of this province Intituled an Act of Directions for the Sherriff's office in this Province and for the more Easy payment of the publick and County Levy made at a Session of Assembly begun and held at the Port of Annapolis the fifth day of September one thousand Seven hundred & four.

p. 330 Be it Enacted by the Queens most Excellent Maj^{ty} by & wth the Advice and Consent of her Maj^{ty}s Govern^r Councill and Assembly of this province and the Authority of the same that the above mentioned Act of Directions for the Sherriffs office in this province and for the more easy payment of the publick and County Levy be & is hereby revived and Continued in full force and Strength from and after this present Session of Assembly for and during three years & to the End of the Session of Assembly that shall first happen after three years.

April 12th 1707 Read and assented to by The house of Delegates. Signed p order W Taylard Cl h D.

April 12th 1707 Read and assented to by her Maj^{ty}s hon^{ble} Councill & Signed p order W Bladen Cl Councill.

Aprill the 15th 1707 On the behalf of her Maj^{ty} Queen Anne of England &c. I will this be a Law Jo: Seymour

An Act appointing Court Days in Queen Ann's County.

Be it Enacted by the Queens most Excellent Maj^{ty} by & wth the Advice & Consent of her Maj^{ty}s Govern^r Councill and Assembly of this province and the Authority of the same that the days for holding the County Court in Queen Anns County when and after the division thereof hath taken Effect shall be & are hereby appointed the first tuesday in Feb^{ry} Aprill, July, September, October, and December, & that any two Justices of the said County Court whereof one to be of the Quorum shall have full power and Authority by vertue of this Act when and as often as need shall require to Adjourne the said County Court and p^{ro}cess and proceedings therein depending to such short time after as they shall see Convenient.

April 14th 1707. Read and Assented to by the house of Delegates. Signed p order W Taylard Cl h D

p. 331 Aprill the fourteenth 1707. Read and Assented to by her Maj^{ty}s hon^{ble} Councill & Signed p order W Bladen Cl Councill

Aprill the 15th 1707.

Lib. L. L.
No. 64.

On the behalfe of her Maj^{ty} Queen Anne of England &^{ca}
I will this be a Law Jo: Seymour

An Act Requiring the Agents of the Lord Baltemore to Certify into the Secretarys offices, the Instructions and Conditions of Plantations with the fees by them demanded and obliging his Lordships Deputy Surveyors to qualify themselves according to Law.

Be it Enacted by the Queens most Excellent Maj^{ty} by and with the Advice and Consent of her Maj^{ty}s Governor Councill and Assembly of this province and the Authority of the same that the Lord Baltemore agents for granting lands in this province, on or before the fourteenth day of May next, shall make Certify and hang up in the Secretarys office, all such instructions that the said officers or agents of the said Right honourable the Lord Proprietary of this province, and all the present Condition or Conditions of plantations, That all people may see and know by what Authority they Act.

And that they Likewise prepare a list of what fees they require for Severall Services by them done or to be done w^{ch} fees shall be Considered of by two of her Maj^{ty}s Councill and by two or more Justices of the Provinciall Court, w^{ch} fees the said Councillors and justices may lessen as they see fitt and be allowed under the hands of such Councillours and Justices or else it shall not be lawfull for such his Lordshippes officers ministers Agents or Clarks to demand and Receive them, but when such fees shall be allowed & approved on as afd. And such officers agents ministers & Clarks haveing made oath of P. 33² such Services done by which such fees accrue may have their fees levied by way of Execution as other officers and Clarks have till the next Session of Assembly and then such fees shall by the Assembly be allowed or denied or altered or lessened as the Assembly shall think fitt.

And if the said Agents and Officers refuse to make hang up and publish such instructions Conditions and list of fees as afd within the time limited as afd he or they shall forfeit to her Maj^{ty} for his or their neglect and Contempt the sume of twenty pounds Ster mony one half to her Maj^{ty} for Support of Governm^t the other half to him or them that will Sue for the same by accon of Debt in her Maj^{ty}s Provinciall Court wherein no Essoyn protection or wager of law to be allowed.

And be it further Enacted by the Authority advice and Consent afd that if any Surveyor whatsoever already appointed and Comissionated or hereafter to be appointed and Commis-

Lib, L. L. sionated by the said Lord Proprietary his Agents or any other
No. 64. pson who may be by his said Lordshipp Impowered so to do
shall after the end of this present Session of Assembly p'sume
by vertue of any warrant from his Lordshipps Land office or
otherwise to measure or Survey any Lands for or belonging
to any pson whatsoever before such Surveyor or Surveyors
shall first duly qualify him or themselves by takeing the Oaths
appointed by Act of Parliament for their fidelity to the Crowne
of England and mayntaining the succession thereto as by law
Established and also an oath for the faithfull Execution of his or
their offices to be administred to them in the respective County
P. 333 Courts where the shall Officiate or by some one Justice of the
Prov^l Court such Surveyor or Surveyors shall forfeit one hun-
dred pounds Sterling to her Maj^{ty} the one half whereof for the
Support of Government the other half to such pson who shall
informe or sue for the same to be recovered in any Court of
record within this province by accon of Debt bill plaint or in-
formation wherein no Essoyn protection or wager of Law to
be allowed.

This Act to Endure for and untill her Most Sacred Maj^{ty}s
Pleasure shall further be declared in Councill thereon where
the Lord Baltemore may be heard.

Aprill the 14th 1707. Read and Assented to by the house
of Delegates. Signed p order W Taylard Cl h D.

Aprill the 14th 1707 Read and Assented to by her Maj^{ty}s
hon^{ble} Councill & Signed p order W Bladen Cl Councill.

Aprill the 15th 1707

On behalf of her Maj^{ty} Queen Anne of England &c^a I will
this be a Law Jo: Seymour

An Act to Impower Certain psons therein named to Assess
and apportion the publick levy of this province for this
present year of our Lord One thousand Seven hundred and
Seven.

Whereas this present Generall Assembly have for the De-
fraying the publick Charge of this province to the twelfth day
of Aprill one thousand Seven hundred and Seven appointed
allowances and payments to be made to severall psons men-
tioned in the Journall of the Committee of Accounts of this
present Session of Assembly amounting to the Summe of two
P. 334 hundred and Eight Thousand two hundred fifty six pounds of
tob^o and the Summe of four hundred Seventy one pounds thir-

teen Shillings and four pence in money as by the said Journall of Accounts the Same appears but because greater Charge then what is already provided for and allowed will grow due from the publick between this time and the tenth day of October next Ensuing it is therefore humbly prayed by this Generall Assembly, that it may be Enacted,

And be it Enacted by the Queens most Excellent Maj^{ty} by and wth the Advice and Consent of her Maj^{ty}s Govern^r Councill and Assembly of this province and the Authority of the same that the Severall p^{rs}ons hereafter named (that is to say) Thomas Tench Esq^r John Hamond Esq^r William Holland Esq and James Sanders Esq of her Maj^{ty}s hon^{ble} Councill; And M^r W^m Asquith of Saint Mary's County, Thomas Smyth Esq of Kent County, M^r Charles Greenberry of Ann Arundell County, M^r Robert Skinner of Calvert County, Jn^o Contee Esq of Charles County, M^r John Hall of Baltemore County, M^r Nicholas Low of Talbott County M^r John Maclaster of Somersett County, M^r Hugh Ecclestone of Dorchester County, M^r Edward Blay of Cecell County, and M^r Thomas Greenfield of Prince Georges County, or the greater part of them are by this Act appointed to meet together at the town and port of Annapolis on the first tuesday of October next Ensuing then and there to apportion the allowances which are already made and allowed upon the Journall of Accounts afd & also to allow and apportion all such further Charges as shall appear to them to be justly due and owing to any p^{rs}on or p^{rs}ons from the publick. Provided that the same Publick Charges do not Exceed one hundred thousand pounds of tob^o and the sume of one thousand pounds in money more then what is already allowed in the said Journall of Accounts all which said Sums of tob^o are hereby with the Advise Consent and Authority afd Enacted to be levied and raised by an Equall Assessm^t on the Taxable p^{rs}ons of this province and Collected and paid by the Severall Sherriffs of the respective Countys as hath been usuall within this province.

Provided always that in Case his Excellency the Governour for the time being do Convene an Assembly before the said first tuesday of October that then this present Act and every Clause therein Contained shall be void & of noe Effect.

Aprill 14th 1707

Read and Assented to by the house of Delegates.

Signed p order W Taylard Cl h D.

Aprill 14th 1707.

Read and Assented to by her Maj^{ty}s hon^{ble} Councill

Signed p order W Bladen Cl Councill.

Lib. L. L.
No. 64.

P. 335

Lib. L. L. Aprill the 15th 1707 On the behalf of her Maj^{ty} Queen Anne
No. 64. of England &c^a I will this be a Law.

Jo: Seymour

The Seale of the Secretarys Office is hereunto Affixt this
30th Day of September Annoq Dni 1707 on behalf of the
hon^{ble} Phillemon Lloyd Esq^r Dep^{ty} Secretary of the province of
Maryland.

p me Jo Beale Clk Sec^{ry} office

PROCEEDINGS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a Session held at Annapolis, Sept. 27 to Oct. 4, 1708.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN SEYMOUR,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss.

At A Council held at the City of Annapolis on Monday the 27th of September in the seventh year of the Reign of our Sovereign Lady Ann Queen of Great Britain &c^a Annoq Dni 1708

U. H. J.
p. 966

Present

His Excellency John Seymour Esq^r Captain General

the honble { Major Gen^l Edward Lloyd, Col Thomas Ennals }
 { Samuel Young & Philip Lynes Esq^{rs} }

To whom his Excellency was pleased to say that as he had never done any thing of moment without their Concurrence and Advice so he never would and thereupon Communicated to them what he intended to say to the General Assembly upon their first meeting which was unanimously approved of as necessary and Convenient and very full and Efficacious at this present Juncture

Col^o William Holland entered the Council and took his place at the Board

Evan Jones admitted and sworn Clerk of the Council in Assembly who took the Oaths appointed by Act of Parliament instead of the Oaths of Allegiance and Supremacy the Oath of Abjuration and Subscribed the same with the Test.

M^r Robert Bradley Col^o Nicholas Lowe M^r John Salter and M^r John Whittington acquainted his Excellency that two and Forty of the Delegates Were met in their House in order to receive his Excellencys Commands whereupon his Excellency was pleased to command them to give their Immediate Attendance upon him in the Council Chamber where they attended his Excellency in Council and he was pleased to Order them to make Choice of A Speaker in order whereto they withdrew

The Delegates came up to the Council Chamber and gave his Excellency & this Honourable Board to understand that they have chosen and elected Col^o Thomas Smithson to be Speaker of their House who in Honour to the House was approved of by his Excellency afterwards his Excellency bespoke them as follows

M^r Speaker and you Gentlemen Delegates

I cannot believe but every person here present is well Satisfied my Consideration of the many severe difficulties the poor province labours under was the only true Reason I did not call an Assembly sooner being desirous to demonstrate to you

U. H. J. Gentlemen and our Friends in Europe I have endeavoured to
 p. 967 be as careful A Steward of the Countrys money as I have been
 on all occasions assiduous to approve myself an honest Governor and a real well wishing promoter of your Interest nor did I design to trouble you till the Spring purely on that Account had not her Sacred Majestys Commands lately directed me to lay several things before you, Give me Leave Gentlemen therefore to rank them distinctly for your more serious mature Consideration not doubting but with loyal honest hearts you will handsomely digest and Comply with the Just Commands of our Gracious Sovereign the best of Queens and hope you will have such an Awful Regard to the lawful Authority of our Monarch throughly to weigh what may be the consequences of your Disobedience or trifling with her Majestys Royal Commands

Gentlemen

Our Great pattern the parliament of Britain to their Eternal Honour has denied her nothing to make the Country we depend on Great and her Majestys Reign the most Glorious of all Monarchs & shall we a poor Handful of her remotest Subjects dispute or boggle at what her Majesty thinks reasonable and wisely judges to be for your own good as well as the Service of the Crown

M^r Speaker

I have so just a Regard to the Welfare and Reputation of this Province to hope I shall never see that day therefore let me advise you Gentlemen who are elected to serve your Country as you have now always endeavour to preserve her Majestys Gracious favour and do not be led away by the cunning Insinuations of designing Wicked men to Incur the frowns of our indulgent Sovereign since tis evident the practice and principles of such Empiricks in Government will soon ruin your Constitution and Consummate the poverty of this already poor languishing province

Gentlemen

I must acquaint you her Majesty has been pleased to disapprove of two laws lately made here viz. that against masters cropping Tobacco on Board their Ships and the other about the Gauge of your Tobacco hhd's and her Majesty Commands me to tell you tis her Royal pleasure that we in this province Conform to the Size of those in Virginia and Recommends a new law to be made for that purpose Her Majesty thinks Sir Thomas Lawrence was hardly used by the last Assembly who

made A Law to cut of the benefits of the Ordinary licenses U. H. J.
p. 968 from his Office which the late Attorney General Sir Simon Harcourt Judges to be the lawful perquisite of her Majestys Secretary here M^r Speaker shall have the said Attorney Generals Report and her Majestys Order thereon who is graciously pleased to recommend a Law to you Gentlemen that the Ordinary Licenses may be appropriated to the Office of her Majestys Secretary of Maryland for a longer duration than three years and shall likewise shew you the order which the right honble the Lords Commissioners for trade &c^a sent me about this very Complaint which plainly shews her Majesty earnestly recommends this Bill to your Consideration by which you will easily guess what ill Consequences may follow upon your Refusall therefore hope you will be so prudent to shew your ready Compliance herein M^r Speaker I have repeated Instructions about the four Justices who are appointed to hold the Provincial Courts and annually go their Circuits twice & am Commanded to let her Majesty have speedy notice what provision the Country has made to enable them the better to go through fatigue of their constant attendances on that duty let your concurrence therefore be hearty and chearful while its in your power and banish all flattering Whispers which advise you to swallow such a pernicious notion that you Gentlemen here Assembled are wiser than the vast Crowds of her other great Dominions who unanimously with open loyal Hearts run to obey and serve her Sacred Majesty the Queen. Her Majesty seems Concerned the last Assembly threw out the Bill for furnishing those that at any time should raise or disperse false news during this War and am Commanded to offer it anew to you Gentlemen Delegates nor can I believe any reasonable well meaning man to the Government will ever be against it

Gentlemen

There is an Arrear due to the poor men employed to secure our Magazine during our late disturbance and as it was my very great Concern to preserve the peace of the Country I am sure its your part to see those paid and Rewarded who were so ready and Vigilant to serve the publick

Gentlemen

Its high time to look into the many Immoralities of this unhappy deluded Country where Drunkenness Adultery Sabbath breaking and Forgery are a jest Murder Stiffled and the Malefactors Glory in it, Treason thought a Trifle and the Abettors caress'd Magistrates grow careless and the Offendors impudent till these things are in some measure amended by

U. H. J. your Prudence and Example I have but slender hopes your debates can be successful but as we are all willing to be called Christians let us in our several Stations Act like men who
 p. 969 deserve that noble Excellent Character that the Heathens round about us may not continue to mock at our Hypocrisy and despise our Religion and let that Magistrate be Stigmatized with Infamy whoever connives at or Countenances any Sort of Knavery or Atheism

Gentlemen

Whenever you will heartily and sincerely endeavour to bring this good Work about I should never despond but By Gods blessing to see the Country Improve and Flourish and then the rest of our Fellow Subjects every where (to your lasting Glory and Reputation) would be justly Convinced that the People in Maryland truly serve God and with a loyal Dutiful Regard honour our lawful and rightful Sovereign the Queen

After which M^r Speaker in behalf of himself and Delegates desired to have A Copy of his Excellencys Speech which was granted so the Speaker & Delegates withdrew and repaired to their House

Kenelm Cheseldyne Esq^r and Col^o Thomas Greenfield came and took their places at the Board

The Council Adjourned till to Morrow Morning Eight a Clock

Tuesday Morning the 28th September 1708

The Council met according to Adjournment & present as yesterday

His Excellency having Ordered A Dedimus Potestatem and Appointed Kenelm Cheseldyn William Coursey Thomas Greenfield and Philip Lynes Esq^{rs} to swear the Delegates: Ordered them to go to their House and Administer the Oaths appointed by Act of Parliament instead of the Oaths of Allegiance and Supremacy and the Oath Extinguishing the pretended Prince of Wales to the succession of the Crown of England pursuant to the Writt of Dedimus Potestatem

Came M^r William Bladen Major Gale and M^r Samuel Worthington and say that their House humbly desire that the Gentlemen appointed by his Excellency to Administer the Oaths Usually in such cases may be sent to their House in order thereto

M^r William Bladen and Major Gale enter the Council Chamber and acquaint his Excellency that their House desires the perusall of such Writts of Election as are returned which his

Excellency was pleased to order and the same were sent to U. H. J. their by the said M^r Bladen & Major Gale

Kenelm Cheseldyne, William Coursey Thomas Greenfield and Philip Lynes Esq^{rs} repaired to the House of Delegates pursuant to his Excellencys Commands and the Writt of Dedimus Potestatem and being returned Report they saw the several members of the said House take the Oaths appointed p. 97^o

Came from the Lower House M^r Warnel Hunt and M^r Mathias Vanderhayden together with M^r Richard Dallam and M^r Hunt says that their House made Choice of M^r Richard Dallam to be their Clerk humbly praying that his Excellency and this Honourable Board will be pleased to swear and admit him as such to whom his Excellency was pleased to say that he would Consider further of it

Kenelm Cheseldyne Esq^r was sent to acquaint the House of Delegates that his Excellency and this Board would have their message relating to M^r Dallam be reduced into Writing and returns and says he acquainted their House therewith

M^r Hunt and M^r Mathias Vanderhayden Enter the Council and deliver in Writing to his Excellency the following message Viz.

By the House of Delegates September 28th 1708

This House humbly recommend Richard Dallam to his Excellency for his approbation to be their Clerk

Thomas Smithson Speaker

To his Excellency the Governor and her Majestys honble Council in Assembly

In answer whereto the following message Ordered to be sent

By his Excellency the Governor & Council in Assembly

M^r Speaker

September the 28th 1708

Tho we are well Satisfied it is her Majestys prerogative to appoint proper Officers to attend the Assembly and that you have no right to the Election of any but what shall be approved of by this Board we are willing rather than the Countrys business should be delayed to admit of the Clerk nominated by you pro hac Vice (salvo Jure) but resent it that you rejected the Clerk appointed by his Excellency without giving any Reason

Signed p order Evan Jones Clk Concil.

The honourable Kenelm Cheseldyne Esq^r ordered to carry the above message to the House of Delegates who returns and says he delivered the same

U. H. J. Col^o Coad and Captain Franklin from the House enter the Council and deliver his Excellency the following message viz.

By the House of Delegates September 28th 1708

This House humbly thank his Excellency for his favourable condescension in approving of the clerk by us recommended
p. 97¹ and desire he may be qualified by taking the usual Oaths
Thomas Smithson

To his Excellency the Governor and Her Majestys honble Council in Assembly.

Upon reading of which his Excellency and this Board are pleased to Admit of the said Dallam to be their Clerk pro hac vice and the said Dallam took the Oaths and Subscribed the Test in the presence of Col^o Coad and Captain Frankling and then returned with the members to their House

The Council Adjourned till three A Clock in the Afternoon

Post Meridiem

The Council met according to Adjournment

All Present as in the morning

Came into Council M^r Philips and M^r Rickett who present Col^o James Maxwell A Delegate for Baltimore County who took the usual Oaths and Subscribed the Test

M^r Hunt and M^r Hudson came from the House and presented M^r John Rousby Naval Officer of Putuxent District to prove his publick Accounts before his Excellency the Governor and this Honourable Board to which Accounts the said Rousby made Oath according to Law

The Council Adjourns till to Morrow Morning nine a Clock

Wednesday the 29th of 7ber 1708

The Council met according to Adjournment

Present as yesterday with the Addition of The honble Col^o Jenkins who took his place at the Board

The Council Adjourned till three a Clock in the Afternoon

Post Meridiem

The Council met according to Adjournment and sate all Present as in the morning. The Council Adjourns till nine a Clock to morrow morning

Thursday the 30th 7ber 1708

U. H. J.

The Council met according to Adjournment all Present as yesterday

By his Excellency the Governor and Council in Assembly
7ber 30th 1708

His Excellency herewith sends to the House by William Coursey and Philip Lynes Esq^r the following papers

The Attorney Generals Opinion concerning Sir Thomas Lawrences Complaint with her Majestys Order thereon

Sir Thomas Lawrences first petition to her Majesty

Her Majestys Order for Repealing two Acts

The Councils opinion upon the Report of the Lords of Trade &c^a Letter from the Lords of Trade &c^a Order transmitted hither and published

Signed p order Evan Jones Clk Council.

Major Gale and M^r Woolford bring from the House the p. 97² following message Viz.

By the House of Delegates September 30th 1708

This House having taken into consideration that part of his Excellencys Speech relating to her Majestys Disassent to the Act for Gauge of Tobacco hogsheads and the Act against Masters of Ships cropping Tobacco on Board their Ships humbly desire your Excellency and Honours to appoint some members of her Majestys Honourable Council to Join in Conference with some of the members of this House upon that Subject and that you please to appoint the Time and place of meeting

Signed p Order Richard Dallam Clk ho Del.

By his Excellency the Governor and Council in Assembly
Sep^t the 30th 1708

In answer to the Message by Major Gale and M^r Woolford this Board will be in Readiness in an Hours time to send four members of this honble Board to join in conference with them at Major Freemans House

Signed p order Evan Jones Clk Council.

Which was sent to the House by Col^o Greenfield who returns & says he delivered it

U. H. J. The petition of the Inhabitants of Saint Marys County being this day read at the Board and the contents maturely considered its thought Reasonable and Recommended to the House of Delegates for their Concurrence to redress the petitioners according to their prayer which being so endorst was sent to the House by Major General Lloyd and Col^o Greenfield who return and say they delivered it

Col^o Smith and M^r Hunt bring from the House the following message viz.

By the House of Delegates September 30th 1708

This House having considered that part of your Excellencys Speech relating to the Dispersers of false news humbly desire it may be considered by a Conference between some members of this House and that it be referred to the same Conferees that shall be appointed to go out upon the Act relating to Gauge of Tobacco hhd^s &^{ca}

Signed p order R^d Dallam Clk.

By his Excellency the Governor and Council in Assembly
Sept^r the 30th 1708.

In answer to the foregoing message brought by Col^o Smith and M^r Hunt his Excellency and this Board readily concurs therewith and sent to the House by Col^o Jenkins who returns and says he delivered the same

M^r Bradley and M^r Hunt came from the House and acquaint his Excellency and this Board that the persons by their House appointed to Join in Conference are ready to attend the same

His Excellency appoints Major General Lloyd, Col^o Ennals Col^o Coursey and Col^o Greenfield to join in Conference with the members of their House

p. 973 M^r Worthington and M^r Hudson came and presented M^r Mathias Vanderhayden Navall Officer of Cecil County District to prove his publick Accounts before his Excellency and this honble Board and the said Vanderhayden made Oath thereto

The Council Adjourns till three a Clock in the Afternoon

Post Meridiem

The Council met according to Adjournment all Present as in the morning

M^r Hudson and M^r Covington bring from the House the Report of the Conferees appointed to consider of the two Acts lately repealed one for Gauge of Tobacco hhd^s the other against masters cropping Tobacco on Board their Ships and

also the House of Delegates Approbation thereon which being U. H. J.
read its ordered to be thus Endorst

By his Excellency the Governor and Council in Assembly
October the 1st 1708

His Excellency and this Board concur therewith and that a
Bill be prepared for that purpose
Signed p order Evan Jones Clk Council

Sent p Major General Lloyd and Col^o Holland who return
and say they delivered it
The Council Adjourned till to Morrow Morning ten a Clock

Saturday October 2^d 1708

The Council met according to Adjournment All Psent as
yesterday & sate

The Petition of Joseph Harrison and Richard Harrison read
at this Board and the consideration thereof is referred to the
House of Delegates

Signed p order Evan Jones Clk Council

The petition of Col^o William Holland Richard Harrison and
Samuel Chew being this day read ordered to be Endorsed

By his Excellency the Governor and Council in Assembly
Oct^r 2^d 1708

His Excellency and this Board are willing that A Bill be
prepared for the purport within mentioned the petitioners
making good their Allegations as Expressed and tis recom-
mended to the House of Delegates for their Approbation

Signed p order Evan Jones Clk Council

The Petition of George Ferguson and Sarah Phillips of Dor-
chester County being read at this Board the consideration
thereof is Referred to the House of Delegates

Signed p order Evan Jones Clk Council.

The petition of James Nichols of Dorchester County read
at this Board and Resolved that the said petition is Reason-
able and it is earnestly recommended to the House of Delegates
for their consideration

Signed p order Evan Jones Clk Council.

- U. H. J. All which said petitions were sent with Endorsements to the House of Delegates by Philip Lynes Esq^r who returns and says he delivered them to M^r Speaker
p. 974 The Petition of John Stallings &c^a of Calvert County read at this Board its Ordered to be Endorst

By his Excellency the Governor & Council in Assembly
Oct 2^d 1708

This Board refers the said petition to the consideration of the House of Delegates

Signed p order Evan Jones Clk Council

Sent to the House by Col^o Holland who returns & says he delivered it

The Council Adjourns till three a Clock in the Afternoon

Post Meridiem

The Council met according to Adjournment and sate as in the morning only Col^o Holland who had leave to go home

His Excellency the Governor is pleased to propose to the consideration of this Board what prejudice would it be if laying of the publick Levy be deferred longer than the usual time this Board do Conceive that the publick Interest will not so much suffer as her Majestys Prerogative will be lessened by the proceedings of this Assembly

His Excellency likewise proposes whether it be convenient or no to prorogue this present General Assembly and to what time considering how dilatory and irregular their proceedings have been since their meeting

This Board are of opinion it would be Convenient to prorogue the same till the 29th of November next and do unanimously consent (if his Excell^{cy} think fit) to prorogue this General Assembly to the time aforesaid

The Council Adjourned till Monday Morning Eight a Clock

Monday October the 4th 1708

The Council met according to Adjournment and present as on Saturday only Col^o Holland being Absent

The Council Adjourned till three a Clock in the Afternoon

Post Meridiem

The Council met all present as in the Morning with the addition of Col^o Holland

His Excellency with the Advice of the Board sent Major ^{U. H. J.} General Lloyd Col^o Ennals Col^o Greenfield and Philip Lynes Esq^r to the House of Delegates to command them in the Queens name to give their immediate attendance on him at the Council Chamber the Gentlemen return and say they acquainted the House therewith and immediately the whole House Attended his Excellency in Council and he spake to them as follows

I am acquainted that you Gentlemen of the House of Delegates have in an Extrajudicial Way taken upon you to construe her most Sacred Majestys Royal Commission to me to be your Governor here contrary to the express Tenor thereof of which you might in good manners have allowed me to be A Competent Judge having worn it so many years I cannot but look upon this Action to proceed from an ill grounded heat and Rashness not at all becoming the Station you fill and since no one pretends to control your debates and Resolves concerning the Election of your Members It had been much more discretion in you to have wholly proceeded thereon then after the unwarrantable manner you have expell'd the members whose commission for sitting in your house is derived from the same fountain of Authority which admits you thereto p. 975

M^r Speaker

I cannot but look on this Aukward Step as Derogatory to her Sacred Majestys Royal prerogative and therefore that the charge to the poor Country of an unprofitable Session may not lye at my Door you have this one more added to the many favourable concessions I have already made that I wish you to repair to your House and there seriously reflect on what you have done

Which being ended M^r Speaker and the whole House repaired to their House

M^r Bradley, Col^o Greenberry, M^r Tyler, M^r Worthington, Captain Jones and M^r Robins came into Council and delivered to his Excellency the following message which was read at this Board Viz.

By the House of Delegates October 4th 1708

In answer to your Excellencys Speech to the House this day in relation to the Charter which your Excellency was pleased to grant to the Citizens of Annapolis this House hath taken into Consideration what we have done upon Complaint of Several of the Freeholders and Inhabitants of Annapolis who conceived themselves under some hardships by the said Charter lately

U. H. J. made by your Excellency to some Gentlemen to Incorporate them into a Body politick or Fraternity by the name of Mayor Recorder Alderman and Common Council of the said City this House being in Concurrence with your Excellency and the Honourable Council the proper center to which all Aggrieved may apply themselves for Redress doth humbly Conceive that the Charter granted doth deprive some of her Majestys Subjects of the Rights and priviledges which the Laws of England and this province undoubtedly entitles them to as Freemen as particularly their Voting for Delegates or Representatives in the General Assembly and makes them liable to be sued for small debts which the Laws of this province impower any Single Justice to hear and determine and takes from the publick those Lands and Buildings they have
 p. 976 purchased and erected and other Priviledges We do humbly beg Leave to shew that it is not out of any disrespect to your Excellency or any desire to lessen the prerogative of the Crown or the power that her Majesty has invested your Excellency with but Observing it not to be plainly exprest in your Excellencys Commission we Conceive it to be our duty on behalf of those we represent to beg leave that your Excellency will have so much Regard to the opinion of this House as to leave the Granting of Charters undetermined till her Majestys pleasure therein be further known and when your Excellency shall have it more plainly exprest We shall readily concur with the granting of a charter provided all the Inhabitants and Freeholders of Annapolis request the same and have their equal priviledges in choosing their representatives and all other priviledges which by the Laws of England are intituled to and that the priviledges granted be according to the Laws of England and this province and that the publick Lands and Buildings may not be infringed but Secured to the uses for which they were purchased and Erected and in the mean time doubt not to make your Excellency sensible that we are with the greatest humility and respect

Your Excellencys most humble
 and most Obedient Servants
 Signed p order Rich^d Dallam Clk ho Del.

The Council adjourns till to Morrow Morning Eight a Clock

Tuesday October 5th 1708

His Excellency having communicated to the Honble Board what he intended to say to the Delegates they unanimously approved thereof

Major General Lloyd, Col^o Holland, Col^o Greenfield and U. H. J. Philip Lynes Esq^r were sent by his Excellency to the House of Delegates to command them in her Majestys name to give their immediate Attendance at the Council Chamber they return and say they acquainted the House therewith and immediately the whole House attended his Excellency in Council and his Excellency was pleased to acquaint the Delegates as followeth

Gentlemen

I having received her Majestys Instructions to lay several matters before you in Order thereto and that the publick Levy might be laid & several Good and Beneficial Laws continued by the Advice of her Majestys honble Council I ordered Writts of Election to issue for choosing Representatives or Delegates from the several Counties and Citys to meet me here on the 27th past In hopes of your ready concurrence with what her Majesty had so reasonably recommended to you but to our great Sorrow find you have refused all and proceeded after so unwarrantable and Unparliamentary a manner that you have laid us under such circumstances we know not how to Retrieve you were We never so willing unless we should leave such Presidents to Posterity that would not only be prejudicial to her Majestys Prerogative but the priviledges of her Subjects and to the ill Example of all future Assemblys, for on your first meeting without qualifying your selves according to her Majestys directions in my Commission exprest that is to say taking the several Oaths you are hereby enjoyned before any of you can be qualified to sit in the House of Delegates you proceeded to choose a Speaker Debate Priviledges make Votes Reject a Clerk, legally commissioned and make an Adjournment without any, Wherefore since there is no Retrieving this Misfortune your heats have run you into I take the Assembly to be discontinued and with the Advice of her Majestys Council do dissolve you and you are dissolved

I will take care the County shall have timely Notice to elect new Delegates to serve them

So Ended this Convention

Evan Jones Clk Council in Assembly

PROCEEDINGS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a Session held at Annapolis, Sept. 27 to Oct. 4, 1708.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN SEYMOUR,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland scet

L. H. J.
p. 317

At a Session of Assembly begun and held at the City of Annapolis in Ann Arundel County on Monday the 27th Day of September in the seventh Year of the Reign of our Sovereign Lady Ann Queen of Great Britain, France and Ireland and the Dominions and Territories thereunto belonging by Virtue of her Majesty's Writs of Election directed to the several and respective Sheriffs of the several Counties, requiring them to summon and call together the Freeholders and Inhabitants of each County and to elect and choose four Deputies and Delegates to serve as Representatives for their several Counties and to the Mayor Recorder and Alderman of the City of Annapolis and S^t Mary's to elect and choose two Citizens to serve for each City in this present General Assembly Which said Writs bear Date 16th Day of August last past returnable to this Day At which Time were assembled in the Stadt House several Members who having acquainted his Excellency the Gov^r of their Meeting, were by him sent for to the Council Chamber, whereupon they withdrew and his Excellency commands them to make Return to their House and make Choice of their Speaker and present him. Whereupon they returned and elected and chose Col^o Thomas Smithson to be their Speaker and place him in the Chair and then go and present him accordingly to his Excellency for his Approbation who acquaints them that he approves of their Choice and willed him to take upon him the same; then M^r Speaker on Behalf of the House desired his Excellency that the Liberties and Privileges of the House might be ratified and allowed by his Excellency and that he may have free Access to his Excellency's Person on all Occasions requiring the same.

Which his Excellency was pleased to assure 'em of for which M^r Speaker in the Name of the whole House returned his Excellency their hearty Thanks.

After which his Excellency was pleased to signify to the House the Reason of their being now called together by bespeaking them as followeth

M^r Speaker and you Gentlemen Delegates,

I cannot believe but every Person here present is well satisfied, my Consideration of the many severe Difficulties the poor Province labours under was the only true Reason I did not call an Assembly sooner being desirous to demonstrate to you

L. H. J. Gentlemen and our Friends in Europe I have endeavoured to be as careful a Steward of the Country's Money as I have been on all Occasions assiduous to approve myself an honest Governor and a real well wishing Promoter of your Interest nor did I design to trouble you till the Spring purely on that Account had not her Sacred Majesty's Commands lately directed me to lay several Things before you Give me Leave Gentlemen therefore to rank them distinctly for your more serious mature Consideration not doubting but with loyal honest Hearts you will handsomely digest and comply with the just Commands of our Gracious Sovereign the best of Queens and hope you will have such an awful Regard to the Lawful Authority of our Monarch thoroughly to weigh what may be the Consequences of your Disobedience or trifling with her Majesty's Royal Commands.

Gentl. Our great Patern the Parliament of Britain to their eternal Honour have denied her nothing to make the Country we depend on great and her Majesty's Reign the most Glorious of all other Monarchs; and shall we a poor handful of her remotest Subjects dispute or boggle at what her Majesty thinks reasonable & wisely judges to be for your own Good as well as the Service of the Crown?

p. 318 M^r Speaker, I have so just a Regard to the Welfare and Reputation of this Province to hope I shall never see that Day; therefore let me advise you Gentlemen, who are elected to serve your Country, as you have now always endeavoured to preserve her gracious Majesty's favor and do not be led away by the cunning Insinuations of designing wicked Men to incur the frowns of our indulgent Sovereign, since 'tis evident the Practice and Principles of such Empiricks in Government will soon ruin your Constitution and consummate the Poverty of this already poor languishing Province

Gentl. I must acquaint you her Majesty has been pleased to disapprove of two Laws lately made here Viz. that against Masters cropping Tobacco on board their Ships and the other about the Gauge of your Tobacco Hogsheads and her Majesty commands me to tell you 'tis her Royal Pleasure that we in this Province conform to the Size of those in Virginia and recommends a new Law to be made for that Purpose

Her Majesty thinks Sir Thomas Lawrence was hardly used by the late Assembly who made a Law to cut off the Benefits of the Ordinary Licenses from his Office which the late Attorney General S^r Simon Harcourt judges to be the lawful Perquisites of her Majesty's Secretary here. M^r Speaker shall have the said Attorney General's Report and her Majestys Order thereon who is graciously pleased to recommend a Law to you Gentl. that the Ordinary Licenses may be appropriated

to the Office of her Majesty's Secretary of Maryland for a L. H. J. longer Duration of Time than three Years; and shall likewise shew you the Order which the Right Honble the Lords Commissioners of Trade &^a sent me about this very Complaint which plainly shews her Majesty earnestly recommends this Bill to your Consideration, by which you will easily guess what ill Consequences may follow your Refusal; therefore hope you will be so prudent to shew your ready Compliance herein.

M^r Speaker. I have repeated Instructions about the four Justices who are appointed to hold the Provincial Courts and Annually go their Circuits twice and am commanded to let her Majesty have speedy Notice what Provision the Country has made to make them the better to go through the Fatigues of their constant Attendance on that Duty. Let your Concurrence therefore be hearty and cheerful while it's in your Power and banish all flattering Whispers which advise you to swallow such a pernicious Notion that you Gentl. here assembled are wiser than the vast Crowds of her other great Dominions, who unanimously with open loyal Hearts run to obey and serve her Sacred Majesty the Queen.

Her Majesty seems concerned the last Assembly threw out the Bill for punishing those that at any Time should raise or disperse false News during this War and am commanded to offer it anew to you Gentlemen Delegates, nor can I believe any reasonable well meaning Man to the Government will ever be against it

Gentl. There is an Arrear due to the poor Men employed to secure your Magazine during your late Disturbances and as it was my very great Concern to preserve the Peace of the Country, Im sure it's your Part to see those paid and rewarded who were so ready and vigilant to serve the Public.

Gentl. It's high Time to look into the many Immoralities of this unhappy deluded Country, where Drunkenness, Adultery, Sabbath breaking and Forgery are a Jest, murder stifled and the Malefactors glory in it Treasons thought a Trifle and the Abettors caressed; Magistrates grow careless and the Offenders impudent till these Things are in some Measure amended by your Prudence and Example I have but slender Hopes your Debates can be successful. But as we are all willing to be called Christians let us in our several Stations act like Men who deserve that noble excellent Character that the Heathens round about us may not continue to mock at our Hipocrisy and despise at our Religion and let that Magistrate be stigmatized with Infamy whoever connives at or countenances any Sort of Knavery or Atheism

Gentl. Whenever you'll heartily and sincerely endeavour p. 319 to bring this great good Work about I should never despond

L. H. J. but by God's Blessing to see the Country improve and flourish & then the rest of our fellow Subjects every where (to your lasting Glory and Reputation) would be justly convinced that the People in Maryland truly serve God, and with a Loyal, dutiful Regard honour our Lawful and rightful Sovereign the Queen

After which M^r Speaker and the rest of the Members took Leave of his Excellency and returned to the House and M^r Speaker took the Chair.

The House adjourned till to Morrow Morning Eight O'Clock

Tuesday September 28th 1708

The House met according to Adjournment

The Honble Kenelm Cheseldine, William Coursey, Thomas Greenfield, and Philip Lynes Esq^{rs} of her Majesty's Honble Council together with M^r Evan Jones Clerk of that Board in Assembly enter the House and by Virtue of a Dedimus Potestatem to them directed administered the Oaths appointed by Act of Parliament with the Oath of Abjuration to the Honble Speaker and the several Members following Viz. M^r Joseph Hill, Captain Richard Jones, Col^o Charles Greenberry, M^r Daniel Mariatee, William Bladen Esq^r Wornell Hunt Esq^r M^r Richard Colegate, M^r James Philips, M^r William Pickett, M^r Nathaniel Dare, M^r Robert Skinner, Capt John Mackall, Col^o Walter Smith, M^r John Ward, M^r Matthias Vanderhayden, Col^o James Smallwood, M^r William Stone, M^r John Beale, Captain William Herbert, M^r Hugh Eccleston M^r Roger Woolford, M^r Joseph Ennalls, M^r John Hudson, M^r William Frisby, M^r Tho^s Covington M^r Daniel Pearce, Col^o John Coode, Cap^t Thomas Trueman Greenfield, Cap^t. Henry Peregrine Jowles, M^r Joshua Guibert, M^r Robert Bradley, M^r Robert Tyler, M^r John Bradford, M^r John Salter, M^r John Whittington, M^r Solomon Wright, M^r Philemon Hemsley, Capt John West, Maj^r George Gale, M^r Samuel Worthington, Captain John Franklin, Col^o Nicholas Lowe, M^r Thomas Robins, and M^r Robert Ungle who having all taken the several Oaths and subscribed the Test and Abjuration the Members of her Majesty's Honble Council and Clerk withdrew M^r Wornell Hunt and M^r Mathias Vanderheyden sent to his Excellency and Council to acquaint them that this House had made Choice of M^r Richard Dallam for their Clerk and pray his Excellency's Approbation and that he may be qualified accordingly.

They return and say they delivered the Message and that his Excellency will send an Answer presently.

The Honble Kenelm Cheseldine Esq. from the Council enters the House and acquaints M^r Speaker that his Excellency

and Council desire this House to explain themselves whether they sent Richard Dallam to his Excellency for his Approbation as Clerk of this House and then withdrew. Thereupon the following Message was sent to his Excellency and Council by M^r Hunt and M^r Vanderheyden. L. H. J.

By the House of Delegates September 28th 1708

This House humbly recommend Richard Dallam to his Excellency for his Approbation to be their Clerk

Signed Thomas Smithson Speaker.

They return and say they delivered their Message and that his Excellency will send an Answer M^r Cheseldine from the Council enters the House and delivers M^r Speaker the following Message

By his Excellency the Governor and Council in Assembly
September 28th 1708.

M^r Speaker. Tho' we are very well satisfied 'tis her Majesty's Royal Prerogative to appoint proper Officers to attend the Assembly and that you have no Right to the Election of any but what shall be approved of by this Board, we are willing, rather than the Country's Business should be delayed to admit the Clerk nominated by you *pro hac vice salvo Jure*, but resent it that you rejected the Clerk appointed by his Excellency without giving any Reason

Signed p Order
Evan Jones Cl. Con^l

Thereupon Col^o John Coode and Captain John Franklin p. 320
were sent up to the Council together with the said Richard Dallam to his Excellency and Council with the following Message Viz.

By the House of Delegates September 28th 1708

This House humbly thank his Excellency for his favourable Condescension in approving of the Clerk by us recommended and desire he may be qualified by taking the usual Oaths

Signed Thomas Smithson Speaker

They return and say they delivered their Message and have seen the said Richard Dallam qualified

The House adjourns till two O'Clock in the Afternoon

L. H. J.

Tuesday Afternoon

The House met again according to Adjournment and being called over were present as followeth Viz.

For Ann	M ^r Joseph Hill	}
Arundel County	Capt. Rich ^d Jones	
	Col ^o Cha ^s Greenberry	
	M ^r Daniel Mariartee	
	Kent County	}
	M ^r William Frisby	
	M ^r Thomas Covington	
	M ^r Daniel Pearce	
City of	William Bladen Esq ^r	}
Annapolis.	Wornell Hunt Esq ^r	
	Saint Mary's	}
	County.	
	Col ^o John Coode	
	Capt. Tho ^s Trum. Greenfield	
	Capt. Henry Pere. Jowles	}
	M ^r Joshua Guibert	
Baltimore	M ^r Richard Colegate	}
County.	Col ^o James Maxwell	
	M ^r James Philips	
	M ^r William Pickett	
	Prince George's	}
	County	
	M ^r Robert Bradley	
	M ^r Robert Tyler	
	M ^r John Bradford	}
	M ^r John Salter	
Calvert	M ^r Nathaniel Dare	}
County	M ^r Robert Skinner	
	Capt John Mackall	
	Col ^o Walter Smith	
	Queen Ann's	}
	County.	
	M ^r John Whittington	
	M ^r Solomon Wright	}
	M ^r Philemon Hemsley	
Cecil	M ^r John Ward	}
County.	M ^r Matthias Vanderheyden	
	Col ^o James Smallwood	
	Somerset	}
	County.	
	Cap ^t John West	
	Major George Gale	
	M ^r Sam ^l Worthington	}
	Cap ^t John Franklin	
Charles	M ^r William Stone	}
County	M ^r John Beale	
	Capt. William Harbert	

Talbot	Col ^o Tho ^s Smithson, Speaker	} L. H. J.
County.	Col ^o Nicholas Lowe	
	M ^r Thomas Robins	
	M ^r Robert Ungle	

Dorchester	M ^r Hugh Eccleston	}
County.	Major Roger Woolford	
	M ^r Joseph Ennalls	
	M ^r John Hudson	

Moved by a Member whether the Serjeant at Arms attending this House and Door-keeper ought to be sworn to Secrecy or not? and carried in the Affirmative And Ordered M^r Charles Greenberry administer to them the following Oath Viz.

You do swear that you will not disclose or divulge to any Person whatsoever any the Debates or Matters transacted in the House, You shall suffer no Person to be loitering or hearkening near the House during such Time as the House is sitting without acquainting the House thereof so far as in your Power lies. So help you God Which said Oath was accordingly administered to them in the House by said M^r Greenberry

The Committee of Election and Privileges Appointed by the House to say M^r William Bladen Esq^r M^r Richard Colegate, Captain John West, M^r Robert Ungle, Col^o Walter Smith Capt John Mackall and Capt Richard Jones are sent out on their Committee and the severall and respective Indentures for the Delegates delivered 'em.

Ordered His Excellency's Speech to this House be read. P. 321

And Resolved the Consideration thereof be referred till Thursday Morning next

Col^o James Maxwell a member for Baltimore County now makes his Appearance and Ordered M^r James Philips and M^r William Pickett attend him to his Excellency & Council to see him sworn. They return and say they saw him qualified.

M^r John Rousby Naval Officer for the District of Patuxent being called into the House produces his Accounts to M^r Speaker. And Ordered M^r Hunt and M^r Hudson attend him to his Excellency and Council to see him sworn thereto and thereupon withdrew

The House adjourned till to Morrow Morning Eight O'Clock.

Wednesday September 29th 1708

The House met according to Adjournment and being called over were present as Yesterday.

M^r Hunt and M^r Hudson acquaint the House they have seen M^r Rousby sworn to his Naval Officers Accounts before his Excellency and Council pursuant to the order of yesterday.

L. H. J. The former Rules of this House being read is Ordered to be transcribed & affixed in some publick Place of the House that the Members thereof may have Recourse thereto and conform themselves to them that they be duly observed during this Session.

M^r John Hynson a Member elected for Cecil County being dead Resolved That the Speaker of this House issue his Warrant to her Majesty's Principal Secretary of State of this Province or his Deputy to issue a new Writ for Election of another Member in his Stead returnable forthwith which accordingly issued and is as followeth Viz. You're hereby required on Receipt hereof to issue her Majesty's Writ of Election to the Sheriff of Cecil County to elect and choose a Delegate or Representative to serve for the said County in this present Assembly in the room of M^r John Hynson deceased returnable forthwith and for your so doing this shall be your sufficient Warrant Given under my Hand the 29th Day of September 1708

Thomas Smithson

Speaker of the House of Delegates

To the Honble S^r Tho^s Lawrence Barr^t. her Majesty's Secretary of Maryland or his Deputy.

Moved on Behalf of Thomas Brooke Esq. a Member Elected and returned for Prince George's County being absent in Excuse for his Absence alledging he is at present gone into Virginia and therefore cannot attend the House this Session which the House admits as a sufficient excuse for this Time

Ordered That Thomas Jones be continued as assistant Clerk to the Clerk of this House as formerly.

M^r Robert Ungle from the Committee of Election and Privileges enters the House and informs M^r Speaker that Committee desires M^r Thomas Covington may be sent up to them, who is accordingly and withdraws Moved by a Member that the Journals of the last Sessions of Assembly be inspected and that Col^o Nicholas Lowe and M^r Samuel Worthington appointed to make report to this House what References they find to this Session who withdraw thereon accordingly.

p. 322 M^r Mackall from the Committee for Election and Privileges enters the House & informs M^r Speaker that Committee desire the House will send to them two of the Member for Saint Mary's County. And Col^o Coode and M^r Greenfield are accordingly sent M^r Lowe and M^r Worthington delivers to the House the References of last Session the Consideration whereof is referred 'till to Morrow Morning

The House adjourns till two O'Clock Afternoon

Wednesday Afternoon

L. H. J.

The House met again according to Adjournment and being called over were present as in the Morning

Ordered M^r Hunt and M^r Gale lay before this House to Morrow Morning her Majesty's gracious Proclamation and the late Act of Parliament for regulating foreign Coins and Resolved this House will then consider thereof.

The Committee for Election and Privileges enter the House and by Col^o Walter Smith their Chairman deliver M^r Speaker their Report.

That Part of the Report relating to the Sheriffs Return of Talbot County first under Consideration being debated.

Resolved it is a good Return and Queen Ann's likewise

As to Saint Mary's County Returns now under Consideration and referred Ordered That the Papers against them be delivered Col^o John Coode and that the Members have Liberty to withdraw in Order to prepare themselves against to Morrow Morning

The House adjourned till to Morrow Morning Eight o'Clock

Thursday the 30th September 1708

The House met again according to Adjournment & being called over were present as Yesterday. Read what was done Yesterday.

The House proceed to the Consideration of his Excellency's Speech And as to that Part relating to the Gauge of Tobacco Hogsheads and Masters of Ships Resolved a Message be prepared and sent to his Excellency and Council to desire a Conference with some of the Members of her Majesty's Honble Council and some of this House which follows.

By the House of Delegates September 30th 1708.

This House having taken into Consideration that Part of your Excellency's Speech relating to her Majesty's Dissent to the Act for Gauge of Tobacco Hogsheads and that against Masters of Ships cropping Tobacco on Board their Ships humbly desire your Excellency and Honours to appoint some Member of her Majesty's Honble Council to join in Conference with some of the Members of this House upon that Subject and that you will please to appoint the Time and Place for Meeting

Signed p Order

Rich^d Dallam Cl. Ho. Del.

Sent up to his Excellency and Council by M^r Gale and M^r Woolford They return and say they delivered the same

- L. H. J. That Part of his Excellency's Speech relating to Sir Thomas Lawrence's Petition to her Majesty about the Ordinary Licenses and Papers relating thereto being read the Consideration thereof is referred till the Afternoon. That Part of his Excellency's Speech relating to Itinerant Justices read and referred for Consideration to Morrow Morning. That Part of the Speech relating to Divulgers of false News being debated. Resolved it be referred to the Conference and that a Message be prepared accordingly which follows

By the House of Delegates September 30th 1708.

- P. 323 This House having considered that Part of your Excellency's Speech relating to the Dispersers of false News humbly desire it may be considered by a Conference between some Members of her Majesty's Honble Council and some of the Members of this House and that it be referred to the same Conference that shall be appointed to go out on the Act relating to the Gauge of Tobacco Hogsheads and Masters of Ships cropping Tobacco &^{ta}

Signed p Order

Richard Dallam Cl. Ho. Del.

Sent up to his Excellency and Council by Col^o Smith and M^r Hunt. They return and say they delivered the Message

That Part of his Excellency's Speech relating to the Guards referred to the Committee of Accounts.

M^r Coursey and M^r Lynes from the Honble Council enter the House and deliver M^r Speaker the following Message with the Papers therein mentioned

By his Excellency the Governor and Council in Assembly
September 30th 1708

This Board sends the Attorney General's Opinion concerning Sir Thomas Lawrence's Complaint with her Majesty's Order thereon. Sir Thomas Lawrence's first Petition to her Majesty. Her Majesty's Order for repealing the two Acts

The Council's Opinion upon the Report of the Lords of Trade &^{ta}

Letter from the Lords of Trade &^{ta} Order transmitted hither and published

Signed p Order Evan Jones Clerk Council

Which Papers were read in the House

M^r Greenfield from the Council enters the House & delivers M^r Speaker the following Message.

By the Governor and Council in Assembly
September 30th 1708

L. H. J.

In Answer to your Message by M^r Gale and M^r Woolford this Board will be in Readiness in an Hour's Time to send four Members of this Honble Board in Order to join in Conference with you at Major Freeman's House. Signed p Order
Evan Jones Cl. Council

Major General Lloyd from the Council enters the House and delivers M^r Speaker S^t Mary's County Address to his Excellency Indorsed as followeth

By his Excellency and Council in Assembly
September 30th 1708

The Petition within mentioned being this Day read at this Board the Contents of which being maturely considered 'tis thought reasonable and recommended to the House of Delegates for their Concurrence to redress the Petitioners according to their Prayer Signed p Order Evan Jones Cl. Council

Which Petition and Order being read in the House is referred for further Consideration Col^o Jenkins from the Honble Council enters the House and delivers M^r Speaker the following Message

By the Governor and Council in Assembly Sept^r 30th 1708

In Answer to the Message brought from the House by Col^o Smith and M^r Hunt his Excellency and this Board readily concurs therewith. Signed p Order Evan Jones Cl. Co.

The Gentlemen appointed by the House to go out upon the Conference are M^r Robert Bradley, M^r Robert Tyler, M^r Robert Skinner, M^r Solomon Wright, M^r Wornull Hunt, M^r Nathaniel Dare and M^r John Salter who are ordered to withdraw and go out thereon

Capt Richard Jones from the Committee of Elections and Privileges enters the House and informs M^r Speaker that Committee desires M^r Joseph Hill may be sent to them, which was granted and he withdrew accordingly

The Members for Saint Mary's County enter the House and the Report of the Committee of Election and Privileges concerning the Sheriff's Return for that County is referred for Consideration in the Afternoon p. 324

L. H. J. M^r Vanderheyden Naval Officer in Cecil County produces his Accounts, and ordered M^r Hudson and M^r Worthington attend him to see him sworn to them before the Governor and Council.

The Petitionsof Robert Givan, Samuel Norwood and William Seward being referred from last Session of Assembly to this are further referred till the Petitioners move therein. The House adjourns till two O'Clock in the Afternoon

Thursday Afternoon The House met according to Adjournment

M^r Hudson and M^r Worthington acquaint M^r Speaker and the House they delivered their Message of the Morning and have seen M^r Vanderheyden sworn to his Naval Officers Accounts.

Her Majesty's Proclamation and the Act relating to Foreign Coins &^{ta} referred till to Morrow Morning. The matter relating to the Prison referred from last Session of Assembly to this being considered by the House. Ordered That Col^o Lowe, M^r Woolford, M^r Hudson and M^r Covington go to the Prison and see whether the Deficiency of the Prison be made good and that the Sheriff of Ann Arundel County attend them and shew the Rooms of the said Prison: And the said Gentlemen withdrew accordingly; and having viewed the same, return to the House and acquaint M^r Speaker and the House that the Deficiency were not wholly made good according to the Order of the House last Session of Assembly; and M^r Bladen being present in the House makes his Excuse that he could not finish it for want of Oak Plank but if the House please to consent that it may be done with Pine Plank instead of Oak, he promises to perform and finish it by all convenient Speed. To which the House concurs.

The Committee of Election and Privileges enter the House & make Reports as followeth

1st That they have examined the Indentures for Charles County and that M^r James Smallwood, M^r John Beale, M^r William Herbert, and M^r William Stone are duly elected.

2^d That Col^o Walter Smith, Captain John Mackall, M^r Robert Skinner, and M^r Nathaniel Dare are duly elected for Calvert County.

3^{dly} That M^r Robert Bradley, Thomas Brooke Esq^r M^r John Bradford and M^r Robert Tyler are duly elected for Prince George's County.

4^{thly} That M^r Charles Greenberry, M^r Richard Jones, M^r Joseph Hill & M^r Danⁱ Mariartee are duly elected for Ann Arundel County

5^{thly} That M^r James Maxwell, M^r James Phillips, M^r Richard Colegate and M^r William Pickett are duly elected for Baltimore County. L. H. J.

6^{thly} That M^r Thomas Frisby, M^r Matthias Vanderheyden, M^r John Ward and M^r John Hynson are duly elected for Cecil County

7^{thly} That M^r Hugh Eccleston, M^r Roger Woolford, M^r Joseph Ennalls and M^r John Hudson are duly elected for Dorchester County.

8^{thly} That M^r John West, M^r George Gale, M^r John Franklin and M^r Samuel Worthington are duly elected for Somerset County

9^{thly} That M^r William Frisby, M^r John Carvill, M^r Thomas Covington and M^r Daniel Pearce are duly elected for Kent County.

10^{thly} That M^r John Salter, M^r John Whittington, M^r Solomon Wright, and M^r Philemon Hemsley are duly elected for Queen Ann's County.

That upon Inspection of the Sheriff's Return of Saint Mary's County the Committee find there was not a due Proclamation of a sufficient Time and Place for Election of the Delegates of the said County: Notice being given the 30th Day of August and the Election made the second Day of September as appears by the Indentures and Certificate Signed by divers Complaints: besides which there are only three Indentures returned And we further find by the Sheriff of Saint Mary's County Certificate on the Back of the Writ for electing Delegates for the City of Saint Mary's that there were no Persons to be found according to the Tenor thereof to make any Election of any Delegate to serve for the said City. P. 325

As to Talbot County we find the Sheriff has returned four Indentures under his own Hand and Seal only but has not given the Indentures under the Hands and Seals of the Electors

Which is humbly referred to the Consideration of the House.

Upon reading the Petition of some of the Inhabitants of the City of Annapolis against the electing of Delegates to serve for the said City this Committee humbly refer the Consideration thereof to the House where the Petitioners desire to be heard.

Signed John Beale Clk.

Which Report being read in the House, Ordered that Part thereof relating to the City of Annapolis be referred till to Morrow Morning Nine O'Clock and the following Order be sent to the Mayor, Recorder and Aldermen thereof

L. H. J. By the House of Delegates Sept. 30th 1708.

Ordered That the Mayor, Recorder and Aldermen of the City or Annapolis attend this House to Morrow Morning at Nine of the Clock and bring with them the Record of their Charter by which they claim to send Delegates to the Assembly and answer the Petition against the same Also that the Petitioners against the Charter then attend this House and make good their Petition

Signed p Order Richard Dallam Cl. Ho. Del.

As to that Part relating to St Mary's City its Resolved the Writ and Indorsment thereon be lodged with the rest of the Papers and Writs of Election until some Persons move therein

A former Report of the Committee relating to the Land Records &^{ia} in the Secretary's Office being read and debated is referred for further consideration.

The House adjourned till to Morrow Morning nine O'Clock

Friday 1st October 1708

The House met according to Adjournment. Were called over and present as Yesterday, except M^r Stone, sick

The House proceed to Examination of that Part of the Report of the Committee of Election and Privileges relating to Saint Mary's County Elections, and several Papers read and Evidences examined as well for, as against the Election. The Members returned by the Sheriff and the Evidences being ordered to withdraw, and the House proceeds to debate the same, and being debated put to the Question whether those Members were duly elected or not? Carried by Majority of Votes in the Negative.

Ordered M^r Speaker issue his Warrant to the Secretary or Deputy to send forth her Majesty's Writ of Election to the Sheriff of Saint Mary's County to elect four new Burgesses or Deputies for that County to serve in this present General Assembly returnable forthwith

Which Warrant issued accordingly

The Gentlemen appointed for the Conference ordered to withdraw thereon

p. 326 Ordered That M^r Joseph Hill, M^r Hugh Eccleston and M^r James Phillips be and are appointed a Committee for stating and settling the publick Accounts &^{ia}

Ordered Col^o Charles Greenberry, Col^o Nicholas Lowe, and M^r Samuel Worthington be and are appointed a Committee of Laws and that they go out thereon Col^o Coode, M^r Greenfield,

M^r Jowles and M^r Guibert desire Leave to enter the House L. H. J. and being called in deliver M^r Speaker the following Representation in the Nature of a Protest

To the Honble the House of Delegates. It is humbly represented that since we are not admitted as Delegates for S^t Mary's County in this present General Assembly and do think ourselves duly elected; And since the said present General Assembly is by Law to consist of four Delegates and two Citizens for the Cities qualified by Law accordingly we do protest against all Bills, or Acts of this Session of Assembly that shall be passed in the Absence of Representatives or Delegates for the County of Saint Mary's and do desire that this Protest may be entered in the Records and Journal of this House

Signed	John Coode
	Jos. Guibert
	Henry Peregrine Jowles
	Tho ^s Truman Greenfield

The House adjourned till two O'Clock in the Afternoon

Friday Afternoon

The House met according to Adjournment and were present as in the Morning except Saint Mary's County Delegates

The Gentlemen of Conference present their Report to M^r Speaker & the House which follows Viz.

At a Conference appointed by the Honble the House of Delegates for considering the Acts for Gauge of Tobacco Hogsheads and against Masters of Ships cropping Tobacco Hogsheads and for taking into Consideration that Part of his Excellency's Speech relating to the Divulgers of false News &th held at the House of M^r John Freeman in the City of Annapolis this 30th Day of September 1708. Were Present, of her Majesty's Honble Council

The Honble	{	Col ^o Edward Lloyd
		Col ^o William Holland
	{	William Coursey Esq ^r
		Thomas Greenfield Esq ^r
Of the House of Delegates	{	M ^r Robert Bradley
		M ^r Robert Tyler
The Honble	{	M ^r Robert Skinner
		M ^r Solomon Wright
		Wornell Hunt Esq ^r
		M ^r Nathaniel Dare
		M ^r John Salter

L. H. J. Who appoint Thomas Bordley to be their Clerk, and first proceed to the Consideration of her Majesty's Recommendation that the Gauge of Tobacco Hhds in this Province should be the same with that of Virginia. In Reference to which it's unanimously agreed by the Conferrees that the Queen be addressed that our former Gauge may be continued for that the Tobacco in Virginia being thin and Waxy they can pack three or four hundred¹¹ Tobacco in Cask of their Size more than we can in Cask of our Size our Tobacco being thin and Chaffey; And that till her Majesty's Pleasure be known therein our Gauge, be forty Eight Inches in the Length of the Stave and the Diameter of the Heading be twenty nine Inches and not exceeding thirty two Inches and that a forfeiture of five hundred Pounds of Tobacco for each Cask exceeding the Gauge be imposed upon every Person or Cooper making or setting up any such Cask. And that if any Master Mate or Person belonging to any Ship or Vessel shall crop, squeeze or deface any Tobacco Shipped on freight the Master forfeit and pay five hundred Pounds of Tobacco for each Cask so stripped squeezed or defaced; and that in Case any Hogsheads exceeding the same Gauge shall happen to be taken on Board by any Master undiscovered at the Time of taking the same, it may be lawful or such Master to put such Tobacco on Shore, there to lie at the Risque of the Owners thereof

And as to that Part of his Excellency's Speech relating to Divulgers of false News &^{1a}

Its unanimously agreed by the said Conferrees that the Justices of the Counties have Authority to bind such Persons over to the next Court who have Power to punish them as Disturbers of the Peace and that they cannot find any Law to restrain such Reports but what will expose innocent Persons to the Malice of Informers.

Signed p Order

Tho^s Bordley Clk Conference

Which being read the House concurs therewith and desire Mr Speaker to draw up an Address to her Majesty accordingly And Ordered That the Report with the following Message be sent to his Excellency and Council

By the House of Delegates October 1st 1708

The above Report being read and debated in the House was unanimously agreed to and we humbly desire his Excellency and her Majesty's Honble Council's Concurrence therewith

Signed p Order Rich^d Dallam Cl. H. Del.

Sent up to his Excellency and Council by M^r Hudson and M^r Covington

L. H. J.

They return and say they delivered the same
Major General Lloyd and Col^o William Holland from his
Excellency and Council enter the House and deliver M^r
Speaker the Report of the Conferrees Indorsed thus

By his Excellency the Governor and Council in Assembly
Octo. 1st 1708

His Excellency and this Honble Board do concur herewith
and are willing that a Bill be prepared for that Purpose
Signed p Order Evan Jones Cl. Council.

Then was read the Charter granted to the City of Annapolis. A Petition against it with the Writ of Election of the Members returned for the same City and the Mayor Aldermen and Common Council Men, and M^r Thomas Macnemara, M^r Thomas Docwra and other Petitioners against it and the Election thereupon were called into the House the Petitioners being examined and Cause of their Complaint heard

The House adjourned till to Morrow Morning 8 o'Clock

Saturday 2^d of October 1708

The House met according to Adjournment were ordered to p. 328
be called over and there appeared as followeth

Saint Mary's No Member }	Talbot County
Kent County	Col ^o Tho ^s Smithson, Speaker }
M ^r William Frisby }	Col ^o Nicholas Lowe }
M ^r Thomas Covington }	M ^r Thomas Robins }
M ^r Daniel Pearce }	M ^r Robert Ungle }
A A County	Som ^t County
M ^r Joseph Hill }	Capt. John West }
Captain Richard Jones }	Maj ^r George Gale }
Col ^o Charles Greenberry }	M ^r Sam ^l Worthington }
M ^r Dan ^l Mariartee }	Capt. John Franklin }
City of Annapolis	Dorchester County
William Bladen Esq ^r }	M ^r Hugh Eccleston }
Wornell Hunt Esq ^r }	Maj ^r Roger Wolford }
Calvert County	M ^r Jos. Ennalls }
M ^r Nathaniel Dare }	M ^r John Hudson }
M ^r Robert Skinner }	Cecil County
Captain Mackall }	M ^r John Ward }
Col ^o Walter Smith }	M ^r Matthias Vanderheyden }

L. H. J.

Charles County

Col ^o James Smallwood	}
M ^r William Stone	
M ^r John Beale	
Captain William Herbert	

Prince George's County

M ^r Robert Bradley	}
M ^r Robert Tyler	
M ^r John Bradford	

Baltimore County

M ^r Richard Colegate	}
Col ^o James Maxwell	
M ^r James Philips	
M ^r William Pickett	

Queen Ann's County

M ^r John Salter	}
M ^r John Whittington	
M ^r Solomon Wright	
M ^r Philemon Hemsley	

Captain Jones brought into the House the Petition of Henry Roberts

M^r Speaker brings into the House the Address to her Majesty Which the House approves and ordered to be entered as follows

The humble Address of the Delegates and Representatives of the several and respective Counties of the Province of Maryland now sitting in a General Assembly Sheweth to your Majesty.

That his Excellency, John Seymour Esquire our present Governor hath given us to understand your Majestys Dissasent to two Bills one about the Gauge of Tobacco Hogsheads and the other against the Cropping and defacing Tobacco which we believe your Majesty would not have denied your Royal Assent if any had appeared for us to have made your Majesty sensible of the Reasonableness of the said Bills. And first we humbly beg Leave to lay before your Majesty the true State of the Trade of this Province as it is at present and hath been [in] the late Wars and this. And so it is that the Merchants living at London, most usually during the Wars, adventure on their own Account little or nothing, most great Ships being either owned or hired by them bring not one Penny worth of Goods to barter or purchase Tobacco but come only on ffreight to which they have great Encouragement by their Artifices in raising it to an extravagant Height. But the Tobacco that loads and employs so many large and defensible Ships pays such vast Sums to your Majesty's Coffers and purchases such abundance of the Goods and Manufactures of Great Britain is the proper Tobacco of the Planters Merchants and Inhabitants of this Province and at their proper Risque and Hazard sent to London and the Duties thereof in great Measure paid with the proper Monies of such as are pretty well aforehand and can leave Money in London Merchants Hands who act as our Agents and ffactors and thereby with little or no Hazard most certainly gather vast Wealth and Estates by their Commission

and other Perquisites which they make to themselves by ways L. H. J.
hardly justifiable and by laying Obligations on the Masters of such Ships to take no Tobacco on freight but from such who will consign to the Employers of such Masters especially when they have so much Advantage by Plenty of freighters as to force it thereby engrossing all the Consignments they can to themselves and frustrating the publick and general Advantage which Shipping ought to be to the Nation. Hence we presume it comes to pass they have made this Scruple about the Size of the Hogsheads of this Province exceeding that of Virginia; we have enquired into their Gauge and find ours now used exceeds but two Inches in Diameter of the Head being equal in length: For justifying our Size we humbly offer this Reason to your Majesty that the Tobacco generally made in Virginia is a more substantial thick Waxy Leaf and of Consequence weighs heavier and contains greater Number of Pounds in one Hogshhead of their Size and their Tobacco then in one of our Size filled with our Tobacco which is more light and Chaffey in so much that they as we compute ordinarily get three thousand two hundred Pounds of Tobacco carried home as cheap as we get 2200 which one Reason being taken into your Majesty's Royal Consideration we hope will induce your Majesty to suffer us to hold the same Gauge which is so trivial a Damage to the Stowage of Ships that we wonder any should trouble your Majesty with it. But if any through Greediness make their Hogshd of unreasonable Length (which indeed is more likely to be of Prejudice in Stowage) we are willing either to subject them to greater Penalty or the Commanders of Ships may make them pay an higher freight proportionable or refuse to take or agree for the freight of them.

Now Dread Sovereign having as we think truly stated the Case of the Trade of this Province your Majesty will discern who bear the Burthen and consider that we cannot but justly complain when we see our Hogsheads cropped and defaced and the Tobacco by great Parcels taken out of the Cask which should defend it and thrown into Holes and Corners and most abominably detrimented in Quality so liable to Plunder and Pillage and other Damage too many to particularize to your Maty whereby it comes to pass to our too certain Experience that our Tobacco comes very light Home and being consigned to the Owners of the Ship by the Artifices aforesaid by whom such Damage ought to be repaired and the Owner himself tho' against that Damage should demand it we go altogether without Redress being so far from the Spot and Scene where such Abuses are acted this puts us upon making the Bill against Cropping which yet proves but of small Effect to restrain it.

L. H. J. But we hope we have hereby shown Reason to incline your Majesty not only to favour this Bill but any other that may be devised to secure our Goods from such Rapine and Plunder and in a special Manner to extend your Royal Favour to support us which favour we stand in need of above all your Subjects because we think we are the most imposed upon by the Owners and Hirers of Ships and the least able to help ourselves.

P. 330 It is further taken Notice of that we have dropt an Act against the Divulgers of false News, which was of a very large Extent and by Experience found to be rather hurtful by becoming a Snare to simple, ignorant and unwary People and abused by malicious Informers to that Purpose then applied to the Punishment of malicious ill disposed People, so that it has been a good while ago let fall by former Assemblies and thought not fit to be renewed since there is other good Laws to bring them to Punishment who shall any Ways maliciously promulge any Thing done in Derogation of y^r Matys Hon^r which shall be always dear to y^r Maty's mo. Dutiful

Ordered That the Committee of Laws cause the same to be fairly written

The Matter in Debate last Night relating to the Charter of the City of Annapolis Wornell Hunt Esq. and William Bladen Esq^r Aldermen thereof and Councillors at Law and Delegates for the said City proceed to answer the Objections against the Charter and prayed the same may be loged with the Clerk of this House in Writing

M^r Macnemara on Behalf of the Petitioners replied thereto

The Petitioners and Delegates for the said City with the Aldermen and Common Councilmen were all Ordered to withdraw and being withdrawn. The House debated the whole Matter and Resolved That the Question be put Whether or no the Governor had Power to grant the Charter in Manner and fform as it is granted? Carried Nemine Contradicente in the Negative.

M^r Lynes from the Council enters the House and delivers M^r Speaker the Petition of Joseph and Benjamin Harris of Calvert County praying Leave to bring in a Bill to impower them to sell a Tract of Land in Talbot County left them by their Father and entailed on the Heirs of their Bodies and with the Money thereby arising to purchase other Lands in Calvert County. Indorsed thus.

By his Excy & Council in Assembly October 2^d 1708

The within Petition being read at this Board the Consideration thereof is referred to the House of Delegates.

Signed p Order Evan Jones Cl. Council

The Petition of Col^o William Holland, Richard Harrison L. H. J. and Samuel Chew praying Leave to bring in a Bill for Confirmation of a Deed made in Britain Indorsed

By the Governor and Council in Assembly October 1st 1708

His Excellency and this Board are willing that a Bill be prepared for the Purpose within mentioned the Petitioners making good their Allegations as expressed and recommended to the House for their Approbation.

Signed p Order Evan Jones Clk Council

The Petition of George Ferguson and Sarah Phillips praying Relief against an Act formerly made for granting a Piece of Land called Elton's Point in Choptank River in Dorchester County settled on the Indians Indorsed thus.

By his Excellency and Council in Assembly.
October 2nd 1708

The Petition within mentioned read the Consideration thereof is referred to the House of Delegates

Signed p Order Evan Jones Cl. Council

The Petition of John Nicholls praying that the Land late of William Edmondson might be sold according to a former Act passed in his Favour Indorsed as followeth.

By his Excellency and Council in Assembly
October 1st 1708

His Excellency and this Board do adjudge that the within Petition is reasonable, and earnestly recommended to the House of Delegates that the Petitioner may be relieved according to his Prayer

Signed p Order Evan Jones Cl. Council.

Col^o William Holland from the Council enters the House p. 331 and delivers M^r Speaker the Petition of John, Richard and Jacob Stallings praying Leave to sell certain intailed Lands in Calvert County for the Payment of Debts for the said John Stallings. Indorsed thus.

By his Excellency the Governor and Council in Assembly
October 2^d 1708.

The within Petition being at this Board read the Consideration thereof is referred to the House of Delegates

Signed p Order Evan Jones Cl. Co.

- L. H. J. Major Woolford preferred the Petition of Tobias and John Pollard of Dorchester County praying Leave to bring in a Bill to alter a Special Taile into a General Taile of certain Lands given them by their Father John Pollard Esq^r Which was read and ordered to be indorsed as follows.

By the House of Delegates 2^d October 1708.

The within Petition read in the House and Resolved That the Petitioners have Leave to bring in a Bill as prayed and recommended to the Committee of Laws to prepare a Bill for that Purpose.

Signed p Order Rich^d Dallam Cl. Ho. Del.

The House adjourns till Monday Morning 8 O'Clock

Monday 4th October 1708.

The House met according to Adjournment and being called over were present as on Saturday excepting M^r Bladen and M^r Hunt Read what was done on Saturday

Moved by a Member on Behalf of Robert Givan's Petition and ordered that be referred till next Session of Assembly. The Petition of Joseph and Benjamin Harris

Read and Leave given to bring in a Bill.

The Petition of George Ferguson and Sarah Phillips Read and debated and put to the Question whether rejected or referred to the next Session of Assembly?

Carried by Majority of Votes that it be referred to next Sessions.

Moved by a Member concerning the Petition of William Seward and Resolved it be referred till next Session of Assembly and if the Petitioner do not within three Days after their next Meeting appear and prosecute the Matter in his Petition that it be wholly rejected.

Moved by a Member whether it be necessary to send a Message to his Excellency and Council relating to the Charter of Annapolis? Put to the Question Whether such a Message be sent or not? and carryed in the Negative.

The Petition of Col^o William Holland Richard Harrison and Samuel Chew, Read and Leave given to bring in a Bill as prayed upon the Pet^{rs} making good their Allegations.

The Petition of John Jacob and Richard Stallings Read and debated

Put to the Question whether Leave be given to bring in a Bill or not? Carryed by Majority of Votes that Leave be given to bring in a Bill as prayed.

John Nicholls Petition read and debated and Resolved, That L. H. J.
a Bill be brought in to impower M^r Joseph Ennalls, M^r Henry Ennalls, M^r James Anderson, M^r Charles Rye, and M^r John Hudson or any three of them to value the Land. Henry Hudson Petition read and rejected.

Samuel Lyles Petition read and referred.

The Address of Saint Mary's County relating to the Removal of their Court House Read and referred for Consideration till some Members for that County come to the House

The Matter relating to foreign Coins Debated and Resolved P. 332
That a Bill be brought in to make Foreign Coins Current according to her Majesty's Proclamation and the Act of Parliament and that the Committee of Laws prepare a Bill accordingly.

Resolved That Col^o Greenberry, M^r Bradley, M^r Salter, M^r West and M^r Vanderheyden be a Committee to inspect the Land Records &^{ia} and to treat with M^r Secretary Lloyd or any other Person to amend the Records and what Charge it will be and make Report thereof to the House.

The Matter relating to Ordinary Licenses debated and referred for further Consideration

The House adjourned until 2 O'Clock Afternoon.

Monday Afternoon

The House met according to Adjournment

Ordered That all Committees withdraw upon their Business

Ordered That the Sheriff of Ann Arundel County send away the Writ of Election to Saint Mary's County which was delivered him in the House.

Benjamin Dufours Petition praying to be naturalized granted upon his taking the Oaths which was done before M^r John Baldwin a Justice of the Peace for Ann Arundel County Major General Lloyd and Col^o William Holland from his Excellency and Council enter the House and inform M^r Speaker that his Excellency in her Majesty's Name required the House to attend him immediately at the Council Chamber; Whereupon the House adjourned to the Council Chamber accordingly and his Excellency was pleased to acquaint M^r Speaker and the House that he was informed this House had taken upon them an extrajudicial way of construing her sacred Majesty's Commission to him which he took to be an Infringmen^t upon her Majesty's Royal Prerogative, and had turned out those Members that were sent to sit among them for the City of Annapolis, by the same Commission proceeding from the same fountain of Clemency as the House now sits, and wished them

L. H. J. to repair to their own House, and there seriously to reflect thereon.

The House being returned Mr Speaker took the Chair and the House proceeded to take the same into their Consideration and being debated. Resolved the following Message be sent to his Excellency Viz.

By the House of Delegates October 4th 1708

In Answer to your Excellency's Speech to the House this Day in Relation to the Charter which your Excellency was pleased to grant to the Citizens of Annapolis this House have taken into Consideration what we have done upon Complaint of several of the Freeholders and Inhabitants of Annapolis who conceive themselves under some Hardships by the said Charter lately granted by your Excellency to some Gentlemen to incorporate them into a Body Politick or Fraternity by the Name of Mayor Recorder Aldermen and Common Council of the said City this House being in Concurrence with your Excellency and the Honble Council the proper Center to which all aggrieved may apply themselves for Redress doth humbly conceive that the Charter granted doth deprive some of her Majesty's Subjects of the Rights and Privileges which the Laws of England and this Province undoubtedly entitles them to as Freemen as particularly their voting for Delegates or Representatives in the General Assembly and make them liable to be sued for small Debts which the Laws of this Province impowers any single Justice to hear and determine, and taken from the Public those Lands & Buildings they purchased and erected and other Privileges.

P. 333 We do humbly beg Leave to shew that it's not out of any Disrespect to your Excellency or any Desire to lessen the Prerogative of the Crown or the Powers her Majesty has invested y^r Excellency with, but observing it is not to be plainly exprest is your Excellency's Commission we conceive it to be our Duty (on Behalf of those we represent) to beg Leave that your Excellency will have so much Regard to the Opinion of this House as to leave the granting of Charters undetermined until her Majesty's Pleasure therein be further known, and when your Excellency shall have it more plainly exprest we shall readily concur with granting of a Charter provided all the Inhabitants and freeholders of Annapolis request the same and have their equal Privileges in choosing their Representatives and all other Privileges which by the Laws they are entitled to; and that the Privileges granted be according to the Laws of England and this Province and that the publick Lands

& Buildings may not be infringed but secured to the Uses for I. H. J. which they were purchased and erected and in the mean Time we doubt to make your Excellency sensible that we are with the greatest Humility and Respts. y^r Excys Mo. Hble and most Obed^t Serv^{ts}.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to his Excellency and Council by Major Gale, Capt. Jones, M^r Tyler, M^r Bradley, M^r Worthington, Col^o Greenberry and M^r Robins.

They return and say they delivered their Message

The House adjourned till To Morrow Morning 8 o'Clock

Tuesday 5th 1708.

The House met according to Adjournment being called over were all present as Yesterday except M^r Franklin who is sick. Read what was done Yesterday

The House proceeds to debate the Matter relating to Ordinary Licenses.

Major General Lloyd, Col^o William Holland and Col^o Thomas Greenfield from the Council enter the House and inform M^r Speaker that his Excellency commands this House immediately to attend him in the Council Chamber. Whither being come, his Excellency was pleased to declare that it was his Pleasure that this present Assembly should be dissolved, and that he did accordingly dissolve the same

So ended this present Sessions of Assembly

Richard Dallam Cl. Ho. Del.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a Session held at Annapolis, Nov. 29 to Dec. 15, 1708.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN SEYMOUR,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss^d

U. H. J.
P. 553

At a Session of Assembly begun and held at the City of Annapolis in Ann Arundel County on Monday the 29th day of November in the seventh year of the Reign of our Sovereign Lady Ann Queen of Great Britain France and Ireland and the Dominions and Territorys thereunto belonging by virtue of her Majesty's Writts of Election directed to the several & Respective Sheriffs of the Several Countys requiring them to summon and call together the Freeholders & Inhabitants of each County and to Elect and choose four Deputys and Delegates to Serve as Representatives for their Several Countys and to the Mayor Recorder & Alderman of the City of Annapolis to Elect & choose two Citizens to serve for that in this present General Assembly

Present

The honble {	His Excell the Governour {	Col ^o Tho ^s Greenfield
	Maj ^r Gen ^l Edward Lloyd {	and
	Col W ^m Holland {	Philip Lynes Esq ^r
	Samuel Young Esq ^r	

This being the day appointed for the meeting of the General Assembly the Several members of the Council having taken the Oaths required by Law and Subscribed the declaration & Test. P. 554

His Excell was pleased to Communicate to them what he intended to say to the Delegates on their first meetin which was unanimously approved of

Mr Wornell Hunt & Mr Robert Bradley from the House of Delegates came & acquainted his Excell the greater Number of their Members were met & waited his Excell^s Commands.

His Excell was pleased to command them up to the Council Chamber accordingly they came & attended his Excell in Council Who was pleased to tell them that as the late Season of the year admitted no delays in the Country Business which might be very prejudicial as well as chargeable he therefore bad them go and choose their Speaker whereupon they departed to their House

And the Delegates having again Come up and presented Mr Bradley their Speaker he disabled himself & desired his Excell to order them to make choice of some other more fitting person but his Excell. was pleased to tell him that he very well approved of the Houses Choice & would not admitt of his Excuse

U. H. J. After which M^r Speaker on behalf of the house of Delegates desired that if any mistake or misapprehensions should happen His Excell would attribute it to his Imperfection rather than the houses and give him the Liberty of free Recourse to his Person which his Excell. was pleased to do and then bespake them as follows Viz.

P. 555 M^r Speaker and you Gent. Delegates

It has been demonstrable to all unbyassed Persons that I never promoted any Separate Interest from yours, since my administration and with an honest open heart I here solemnly Assure you her sacred Majesty's Service and the true Welfare of this Province has been my only Ambition since I had the honour to be Constituted Governour of Maryland

And if some sower ill natured Incendiaries had not lately used their utmost malicious Insinuations to disturb & debauch her Majesty's other well meaning Subjects (who came well prepared & honestly inclined to serve their Queen & Country) there had been no Occasion for Convening an Assembly so late in the year

Therefore let me Enjoyn you to lay aside all animosities unnecessary heats & private piques that with calmness you may truly Consider the publick Interest with some regard to the Character her Majesty has given me being ready to concur with you in what Laws our Sovereign has with great Tenderness recommended; & others which you may think proper to be presented this Session, for as I am heartily willing to serve the Province to my utmost I'll never give you reason to believe I will ever be a Victim to the restless antimonarchial Spirit of an ungovernable Faction but as I have always Studied Loyalty to God Almighty's Vice Gerent on Earth with all Sincerity & Friendship I would gladly inculcate that honorable principle into the minds of Every Gentleman here present. M^r Speaker what I have further to offer unto you at this Time is what I

P. 556 have recommended to the late Convention viz.

That her Majesty has been pleased to disapprove of two Laws lately made here the one against masters cropping Tob^{os} on board their Ships and the other about the Gauge of Tob: Hhds and Commands me to tell you it is her royal Pleasure we in this Province Conform to the Size of those in Virginia and recommends a new Law to be made for that Purpose

Gentlemen

Her Majesty thinks S^r Tho^s Lawrence hardly used in respect of the ordinary Licences which her late Attorney General has reported to belong to his Office of Secretary. M^r Speaker

shall have that report & her Majesty's order thereon & what U. H. J. orders I have received from the Right honorable the Lords Commrs of Trade &c on Sr Thos's Complaint whereby you will perceive how earnestly her Majesty recommends a Law to appropriate the fines of those Licences to his Office for a longer duration of Time than three years therefore hope you will be so prudent to shew your ready Compliance therein

Mr Speaker & you Gent. Delegates

I have repeated Instructions about the four Justices who are appointed to hold the provincial Courts and annually go their Circuits twice & am Commanded to let her Majesty have Speedy notice what provision the Country has made to Enable them the better to go through the Fatigues of their Constant Attendances on that Duty Let your Concurrence therefore be p. 557 hearty and cheerful while It is in your Power, and banish all flattering whispers which advise you to Swallow such a pernicious notion that you Gentlemen here assembled are wiser than the vast Crowds of the other great Dominions — who with open loyal hearts run to Serve & obey her sacred Majesty who seems Concerned the late Assembly threw out the Bill for punishing those that should raise or disperse false news in this Critical Time of War & danger and am Commanded to offer it anew to you Gentlemen the present Delegates nor can I believe any reasonable well meaning man to the Governmt will ever be against it

Gentlemen

There is an Arrear due to the poor men Employed to secure your Magazine & Arms during our late Disturbance for as it was my very great Concern to preserve the Peace of the Country I am sure It is your part to see those paid & Rewarded who were so ready and Vigilant to serve the publick

And now Gent. Give me leave to tell you It is high Time for you that represent the whole Province to look into the many immoralities of this poor deluded Country where Drunkenness Adultery Sabbath breaking and Perjury are a Jest, Horrid Murders Stifled and the Malefactors glory in it Treasons made a Trifle & the Abettors caressed Magistrates grow careless and the offenders impudent, some being made believe by many seducers a short Confession here can absolve them from any future Account 'till these Things are in some measures amended by your Prudence and Example

I have but Slender hopes your Debates can be succesful p. 558 but as we are all willing to be called Christians and good

U. H. J. Subjects let us in our Several Stations act like men of that noble Excellent Character; And let that Magistrate be Stigmatized with Infamy who ever Connives at or Countenances any Sort of Knavery, Atheism or disloyalty and when ever you will heartily and Sincerely Endeavour to bring this great work about I should by the blessing of God Gentlemen never doubt of seeing the Country flourish & improve, for then the Heathens round about us would never mock at our Religion as Hypocrisy and the rest of the World will see know and be Convinced; to your lasting Glory that the People of Maryland truly Serve God and with a dutiful Regard Honour our lawful and rightful Sovereign the Queen

And then M^r Speaker and the Delegates took leave and returned to their House

The honble Col Holland M^r Young Col Greenfield & M^r Lynes being impowered by a Special Dedimus potestatem under the great Seale were sent by his Excell to administer the Oaths to the Members of the Lower House and see them sign the Test &c.

Who after some time return & say they administred the Oaths to thirty four of their members and saw them Sign the declaration for Extinguishing the hopes of the pretended Prince of Wales & sign the Test

P- 559 Major General Lloyd & Col Coursey took the Oaths required by Law and Signed the Declaration & Test

M^r Philemon Hemsley and M^r Nathaniel Dare presented M^r Richard Dallam to his Excell in Council who took the Oaths of Allegiance & Oath of Clerk of the House of Delegates and signed the Declaration & Test

The Board adjourned 'till to morrow morning nine of the Clock

Tuesday November the 30th 1708

The Council met according to Adjournm^t last night

Present as yesterday

M^r Whittington and M^r Covington present M^r James Phillips M^r Richard Colegate & M^r Aquila Paca Members Elected for Baltimore County to be sworn who accordingly took the Oaths & Subscribed the Test & Declaration

Col Holland and M^r Lynes sent to the House of Delegates with her Majesty's Letter & order in favour of S^r Tho^s Lawrence the Attorney General S^r Simon Harcourts Report on S^r Tho^s Petition and a paragraph of the Lords Comm^{rs} of Trade & Plantations Letter of the second of September 1708 and her Majesty's order in Council for the repeale of the two Laws about masters cropping Hhds Tob^o on board their Ships

and concerning the Gauge of Tob^o Hhds Col Holland & M^r U. H. J. Lynes return & say they delivered the Papers to M^r Speaker

His Excell having received an Account of the great & glorious victory obtained by her Majesty's Forces & those of her allies in Flanders under the Conduct of his Grace the Duke of Marlborough over the French and having seen the London Gazette from July the 8th to July the 12th 1708 proposed to the Council whether it might not be proper to make some publick Rejoycings to cheer the Hearts of her Majesty's Subjects here p. 560

On which occasion the Board do advise his Excell that publick rejoycing be made in this Town the Gunns on the publick Fort be fired on this occasion to morrow being Wednesday the same day of the week on which the Battel was won

M^{rs} Mary Stallings Petition referred to the House of Delegates

The Board adjourned till Eight of the Clock to morrow morning

Wednesday December the 1st 1708

The Council Sate present as yesterday

Then was read the Petition of the Inhabitants of S^t Mary's County for removing the Courts from S^t Marys to Sheppards old Fields

M^r Worthington and three other members of the House of Delegates brought up the following Message Viz.

By the House of Delegates December the first 1708

This House humbly desire his Excell if he hath any further or other Instructions from her Majesty for granting of Charters & Erecting Citys in this Province than what is Expressed in his Commission recorded in the Secretarys Office to communicate the same to this House

Signed p order R Dallam Cl Ho Del.

Major Gen^l Lloyd & Col Holland were sent with the following answer viz. p. 561

By his Excell. the Governour & Council in Assembly
December the 1st 1708

Gentlemen. Your Message by M^r Worthington and three other of your Members being read at this Board His Excell

L. H. J. is pleased to declare he is well Satisfyed he has an ample Authority from her most sacred Majesty to erect Citys & Boroughs as well as Castles & Forts & that the first are to be Erected by Privileges & Grants from the Crown neither are Boroughs Seldom or Ever walled or fortified

That what he has been pleased to do in favour of this Place being the Seat of Governm^t was with a true regard to the Interest & honour of the Province. And it is not to be questioned by your House being her Majesty's Prerogative but if he has made any irregular Step he is answerable to our Sovereign only

Wherefore we wish you not further to insist hereon to the Delay of other Business more important. It being no dishonour for men of Reason to give up a groundless opinion on better Satisfaction for since it is plain her Majesty has Impowered his Excell to Erect Citys & Boroughs It is not the Walls but Incorporating makes them so

Signed p order W Bladen Cl Coun.

M^r Macall M^r Hill M^r Lee & Col Smith bring from the House Viz^t

By the House of Delegates Decemb 1st 1708

This House humbly desire a Conference with some of her Majesty's honble Council upon the Subject of the last Message
p. 562 & that you'll please to appoint the Time & Place

Signed p order R^d Dallam Cl. Ho Del.

Resolved that Major General Lloyd Col Holland Kenelm Cheseldyne Esq^r & Col W^m Coursey joyned with the members of the House on the Conference proposed And Major Gen^l Lloyd Col Holland & Col Coursey carry to the House Viz.

By his Excell the Governour & Council in Assembly
Dec^r 1st 1708

Four of the Members of this Board are ready to join in the Conference proposed immediately at M^r Freeman's

Signed p order W Bladen Cl Coun

The Board adjourned till ten of the Clock to morrow morning

Friday December the 2^d 1708

The Council met according to Adjournm^t

And Sate Present as yesterday

M^r Crabb presents Col James Maxwell a Delegate for Baltimore County to be sworne which was done in their Presence

Col Walter Smith & Eleven other members bring from the ^{U. H. J.} House their answer to his Excell Speech, at the opening of this Session Viz.

By the House of Delegates Dec^r 2^d 1708

May it please your Excell,

This House has Considered your Excell^s Speech to us at the opening of this Session & return your Excell our hearty Thanks for your good Governm^t & noble Endeavours to serve this Province as well for her Majesty's Service as the Welfare of the same & doubt not your Excell^s sincerity therein, We assure your Excell that this House will Endeavour the same and ^{p. 563} if we find any evil minded or malicious Members amongst us we are & shall be always ready to detect & Censure them as being not Persons fitted with Qualifications to Sitt amongst us

We are heartily sorry your Excell should be informed or apprehend that any Person the last meeting appeared in this House to debauch any of her Majesty's well meaning Subjects to raise any Animosityes or unnecessary Heats, If any such we are altogether unsensible of them but if any private or particular person should be tardy in such matters this House does assure your Excell that they will do their utmost Endeavours to prevent them

And as for those Paragraphs of your Excell^s Speech relating to the publick Interest this House unanimously agree to Concur with you in what good Laws are recommended for the Good & Benefit of her Majesty's Subjects here And all other Things by your Excell recommended we will take into Consideration and Debate and will Consent to anything further that in our Judgement^t shall be for her Majesty's honour and Service and for the good of her Subjects here

Your Excellencys good Governm^t over us we acknowledge discreet as well for her Majesty's Service as the Good of this Province, And having found ourselves easy under the same do wish your Excell Health & happiness any pray you may Continue in her Majesty's Favour

Signed p order R: Dallam Cl Ho Del

To which his Excell was pleased to make the following Re- ^{p. 564} turn

December 2^d 1708

Gentlemen

I have with very great Satisfaction received your answer by Col Smith & and the other members to what I offered to you

U. H. J. at our first meeting and assure you I shall be always glad to serve the Province in General & Every worthy Member of your House in particular
John Seymour

Sent by Major Gen^l Lloyd Col Holland & four more
The Petition of the Inhabitants on the Seaboard side of Somerset County read & recommended to the house of Delegates that they may have a Town there

Cap^t Crabb and Cap^t Philips brought from the House of Delegates viz

By the House of Delegates December 2^d 1708

This House return your Excell Thanks for the satisfaction you Express to have received by our answer to your Excell^s Speech and are desirous to have the Speech printed if your Excell think fitt

Signed p order R^d Dallam Cl Ho Del

Which being read Col Coursey was sent with the Answer thereto Viz.

By his Excell the Govern^r & Council in Assembly
December 2^d 1708

Gentlemen.

His Excell will give Directions that both his Speech & your Answer thereto be forthwith printed for the better Satisfaction of the good People of this Province

Signed p order W Bladen Cl Coun.

p. 565 The honble the Gentlemen appointed to go on the Conference return to the Board & present to his Excell the Governour and Council the following Report Viz.

To his Excell the Govern^r the honble Council and House of Delegates

By the Conferees appointed for Enquiring into the Charter of the City of Annapolis and the Libertys & Privileges thereby granted held at the house of Major John Freeman.

December the 2^d 1708.

The Conferees being met pursuant to the Message from his Excell & Council proceed to Examine the Matters contained in the Charter and on Debate thereof It is humbly Conceived as the best Expedient to prevent further disputes on that Sub-

ject for it to be Established and Confirmed by an Act of Assembly for that purpose to be made allowing the said Citizens &c the Liberty & Priviledges given and mentioned in the s^d Charter so far as it may no Ways infringe the Liberty & Priviledges of the publick either in regard to publick Land or Buildings by them heretofore purchased and to which they are lawfully and rightfully entituled and desire the same may be reserved & Continued for the Ends & Purposes they were purchased & designed & have heretofore been held & Enjoyed & not otherwise and that the Justices & Commissioners of Ann Arundel County may Continue their Courts in the Stadt House as usual

It is likewise further reported and desired by the Conferees That a Clause be inserted in such Law to be made that the Representatives for the s^d City have half the usual Allowance of the Delegates of each County & no more

As to that Part of the Charter relating to the Recorder this Conference humbly Conceive the Person appointed thereupon a Recorder is not qualified by Law for that office in Regard he is Exempted by Law as not having been a Resident here for three years

It is likewise proposed that the Justices of the County Courts &c may Enjoy and Continue their usual Libertys of Executing their offices of Justices of Peace within the said City of Annapolis in as full & ample manner as heretofore.

And that all By Laws that hereafter shall be made by the Mayor Recorder and Aldermen &c be not otherwise binding to Any other the Inhabitants of the Province Save only in relation to the Citizens of Annapolis

As to that part of the Charter relating to the Toll these Conferees think the Toll too unreasonable and Excessive; For It is Considered if two thous^d pds be imported here that Extravagant Toll there mentioned may amount to one hund^d pds And It is thought more for the Benefit of the City if there be no Toll mentioned

All which is humbly offered & recommended to your Excell Council & House of Delegates

Signed p order Tho^s Jones Cl Conference

Col Nicholas Lowe and the other Delegates of the s^d Conference bring up the Concurrence of the House to the above report Viz.

By the House of Delegates December 2^d 1708

The above report being read the House Concur therewith and are willing the Petitioners for the Charter bring in a Bill

U. H. J. according to the Report to which this House desire the Concurrence of his Excell & her Majesty's honble Council
Signed p Order R^d Dallam Cl Ho. Del.

Ordered that Major Gen^l Lloyd and the other Conferees carry the following answer to the House

By his Excell the Governour & Council in Assembly
December the 2^d 1708

This Board on Consideration of the above Report made by the Conferees do assent thereto and are willing a Bill be brought in as proposed wherein may be a Clause Inserted if the House think fitt to Qualify the Recorder he being a Person very fitt for that Station.

Signed p order W Bladen Cl Coun.

Col Greenberry and three other members bring from the House Viz.

By the House of Delegates Dec^r 2^d 1708

This House humbly desire a Conference with some of her Majesty's honble Council on the Subject of S^r Thomas Lawrence's Complaint about the Gauge of Tob^o Hhds masters of Ships cropping of Tob^o Hhds and Divulgers of false news at such place & Time as your Excell. & Council please to appoint

Signed p order R Dallam Cl Ho Del.

Whereupon resolved that Major Gen^l Lloyd Col Holland M^r Cheseldyne & Col Coursey from this Board joyn the members of the House appointed on that Conference And Maj^r Gen^l Lloyd Col Holland & Col Coursey sent to the House with this answer Viz.

By the Govern^r & Council in Assembly
December the 2^d 1708

p. 568 In answer to the Houses Request his Excell has appointed four of the Members of this Board to Joyne the Conferees from your House immediately at M^r Freemans on the Subject & matter proposed

Signed p order W Bladen Cl Coun.

The Board adjourned till to morrow morning ten of the Clock

Fryday December the 3^d 1708

U. H. J.

The Council met present as yesterday

Then was read the Petition of diverse the Inhabit^{ts} of Queen Ann Talbott & Dorchester Countys praying to have a Town Erected at the mouth of Tuckahoe Creek instead of King's Town for their better Conveniency which was recommended to the House of Delegates

Also the Petition of Alexander Frazier & Sarah his Wife Relict of Tho^s Starling of Calvert County deceased on behalf of Christian Starling the Daughter & Heiress of the s^d Tho^s Starling praying leave to bring in a bill to sell Lands of the s^d Tho^s to redeem the mortgage of the Dwelling Plantation and Tract of Land called Majors Choice which was recommended to the House of Delegates

The Petition of Cap^t John Hyde merch^t in London and Susannah Gandy Relict of John Gandy mariner dec^d on behalf of the Heir at Law of the said Gandy as to several Tracts of Land purchased by the said Gandy in this Province the Deeds whereof were burnt in the Court House Read & recommended to the House that a Bill be brought in to relieve them

John Stalling's Petition and his Wife's

M^r George Parker & Rich^d Acton's Petition

The Petition of Justus Englehard Ketclin Painter a German p. 569 read praying leave a Bill may be brought in to naturalize him Recommended to the Assembly

And the Petition for St Mary's County Court house Removal, and Rich^d Acton's petition sent to the House by Colonel Greenfield & M^r Lynes.

M^r Macall M^r Whittington Col Maxwell & Cap^t Crabb from the House with the following message.

May it Please your Excell.

This House having under Consideration that part of your Speech relating to Itinerant Judges do find some difficultys relating to the Charges that will accrue thereby which they cannot well Calculate

Therefore humbly desire that your Excell would be pleased to order a Scheme of the Charges may be drawn up and laid before this House for their Inspection.

Signed p Order R Dallam Cl Ho Del.

Major Gen^l Lloyd Col Holland and M^r Sam^l Young and Col Greenfield sent with the following answer Viz.

U. H. J. By the Council in Assembly Dec^r 3^d 1708

Gentlemen

Pursuant to your Request his Excell has ordered a Calculation to be made of the Charges of the late Provincial Court which is as followeth Viz.

To 13 Prov ^l Justices at 140 ^{lb} Tobo p diem 24	} lb tob ^o
days being two Courts in a year	
To 6 Boats for the Eastern Shoar Justices two	} 43768
Courts	
Itinerant Charges 13 Justices 6 days each Court	} 8400
going & coming viz. 124 day at 80 p diem	
Two Grand Jurys	} 25740
	6000
	83908 Tob ^o

p 570 And in as much as the new method of holding the Provincial Courts and the Judges going the Circuits is known to be of Great Ease & Advantage to her Majesty's Subjects in this Province as well Suitors as Jurors and Evidences It is thought twenty five thous^d pounds of Tob^o will be an handsome Support for each Judge to undertake the Service as well as discharge his Expences thereon And his Excell being willing while he Stays to allow toward it 5000^{lb} tob^o annually out of his Fees of the Great Seal besides the unnecessary Charge to the Sherriffs for publick Packetts of 11500^{lb} tob^o p annum, and the yearly Rent of an Arms House which may be saved by their being better secured in one of the Court House Upper Roomes at two thous^d pds. tob^o p Annum and the Charge of Ferriages on the Western Shoar for the Justices and their Servants will be more than Sufficient

Signed p order W Bladen Cl Coun.

Col Lowe and seven other members of the House bring up the Report of the last Conference with the House's Endorsement which is as followeth Viz^t

At a Conference appointed by the hon:ble House of Delegates for taking into Consideration the Subject of S^r Tho^s Lawrences Complaints touching ordinary Licences masters of Ships cropping Tob^o Gauge of Tob^o Hh:ds and Divulgers of false news held at the House of Major John Freeman in the City of Annapolis

December 3^d 1708

Present of her Majesty's honble Council

The hon:ble { Maj^r Gen^l Edw^d Lloyd } W^m Coursey Esq^r
 { Col W^m Holland } Kenelm Cheseldyne Esq^r }

of the House of Delegates

U. H. J.
P. 571

The hon:ble	{	Col Nich ^t Lowe	{	M ^r Solomon Wright
		Maj ^r George Gale		M ^r Nathan ^l Dare
		M ^r Robert Tyler		and
		M ^r Robert Skinner		M ^r John Salter

The Conferees first proceed to take into Consideration her Majesty's recommendation that the Gauge of Tob^o Hhds in this Province should be the same with those of Virginia

In reference to which the Conferees are in Consideration thereof unanimously agreed that her Majesty may be addressed that our former Gauge may be continued for that the Tob^o in Virginia being thick & waxy they can pack thereon 400 pds Tob^o in Cask of their Size more than we can in Cask of our Size our Tob^o being thin & Chaffy and that till her Majestys Pleasure be known therein our Gauge be 48 Inches the length of the Stave & the Diameter of the heading be thirty Inches not exceeding thirty two Inches and that a Forfeiture of five hund^d pounds of Tob^o for each Cask Exceeding the Gauge be imposed on every Person or Cooper making or Setting up any other Cask. And that if any master mate or Person belonging to any Ship or Vessel shall crop squeeze or deface any Tob^o Shipped on freight The master forfeit & pay five hund^d pds of Tob^o for every Hhd so cropt squeezed or defaced And in Case any Hhd exceeding the s^d Gauge shall happen to be taken on board by any master undiscovered at the Time of taking the same It shall be lawful for such masters to put such tob^o on Shoar there to lye at the owners risque

As to that part of his Excell^s Speech relating to Divulgers of false news &c

P. 572

It is likewise unanimously agreed by the Conferees that the Justices of the several Countys have Authority to bind such Persons over to their next Courts who have power to punish them as Disturbers of the Peace and that they cannot find any way to make a Law to restrain such Reports but what will Expose Innocent Persons to the malice of Informers

And as to that part of his Excell^s Speech in relation to S^r Tho^s Lawrences Complaints touching Ordinary Licences

It is the opinion of the Conferees that S^r Tho^s Lawrence has no right to the fine on ordinary Licences that a full answer be drawn to his Complaint and sent to her Majesty for her better Information & that it be therein mentioned that the fees of the Secretarys Office are vastly Increased of Late through the multitude of Business therein and that by means of the late war the product of this Province is become of little value that the ordinary Licence mony be continued to her Majesty as an

L. H. J. Help to defray the Charges of the Several Countys of this poor Province as by the former Act of Assembly
Signed p Order Tho^s Jones Cl Conferee

By the House of Delegates Decem 3^d 1708

The above report being read & Considered the House unanimously concur therewith and humbly desire his Excell will please to consent that the several Bills therein mentioned may be brought in and received

Signed p order R Dallam Cl Ho Del

The above report being Considered, Ordered that Major
p. 573 Gen^l Lloyd and the other Conferees of this board carry to the House

By the Council in Assembly Decem^r 3^d 1708

The Report from the Conferees read at the Board We join with the House that her Majesty be addressed as proposed and till her Majesty's Pleasure be known an ordinance of Assembly Pass to ascertain the Gauge of Tob^o Hhds Impose the Fines on the Coopers & masters of Ships and to permitt the masters to put unsizable Hhds on Shore but cannot agree to an Act of Assembly being contrary to her Majesty's positive orders, as to the Bill against Divulgers of false news we shall not further insist thereon at present and think it reasonable you should give your answer to S^r Tho^s Lawrence's Complaints and address her Majesty therein but seeing her Majesty has laid her Commands on his Excell to propose a Law to you for settling those Fines on the Secretary We cannot Consent to any Law whereby they may be otherwise applied 'till her Majesty is pleased to give Leave therefore

Signed p Order W Bladen Cl Coun

The Board adjourned till ten of the Clock to Morrow Morning

Saturday December the 4th 1708

The Council Sate Present as yesterday

George Muschamp Esq^r Collector of Patuxent made Oath to several Lists of Shipping and Acc^t of one penny p pound on Tob^o Exported in that District

Ordered that the said M^r Muschamp pay unto Cap^t John Young Master Gunner & Store Keeper of her Majestys Magazine at Annapolis thirty pds Sterl for his Sallary this present

year Ending the 11th day of January next and take his receipt
therefore

U. H. J.
p. 574

M^r Young and Col Greenfield sent to the House with the
following Message Viz.

By his Excell the Governour & Council in Assembly
Dec^r 4th 1705

His Excell being informed that the Suitors to the Provincial
Courts inhabiting on the Eastern Shoar are under many diffi-
cultys in the want of Attorneys on that side the Bay to manage
prosecute and defend their Causes from the beginning to the
End His Excell & this Board will give directions to the Judges
to swear and admitt the Attorneys of the County Courts on
that side the Bay (and now licenced by his Excell & this Board
to be Attornys of the Provincial Court and therein to practise
as fully & amply as any other the Attornys of the s^d Court

Signed p order W Bladen Cl Coun.

The Board adjourned 'till ten of the Clock on Monday
morning

Monday December the 6th 1708

The Council in Assembly Sate Present as yesterday

M^r Worthington and three other members bring from the
House Viz.

By the House of Delegates Dec^r 4th 1708

May it Please your Excell

The Proposition about itinerant Judges laid before this
House by your Excell that we having a great many of our
members wanting the Season of the year and the Time It will
take to Consider of so weighty a matter do pray that it may
be referred to the next Session of Assembly

p. 575

Signed p order R Dallam Cl ho Del.

In answer whereto M^r Young and M^r Lynes carried

By the Governour & Council in Assembly
Dec^r 6th 1708

His Excell and this Board having Considered the Houses
Reasons for referring the Settlem^t of itinerant Justices to the
next Session are well satisfied therewith

Signed p order W Bladen Cl Coun.

U. H. J. M^r Young sent to the House with the following Message

By the Govern^r & Council in Assembly
Dec^r 6th 1708

M^r Samuel Young publick Treasurer of the Western Shoar having informed his Excell of a Short Entry made at Patuxent of the negroes imported in the Dolphin Roger Carnaby Commander Anno 1704 upon M^r Nathan^l Smith's Examination it appears thirty five negroes were held back and Concealed for which Satisfaction ought to be made M^r William Lone one of the Importers having Effects now in the Country on which occasion we desire the House's Advice and Direction

Signed p ord^r W Bladen Cl Ho Del.

M^{rs} Mary Contees Petition praying Leave to bring in a Bill for Confirming Col Contees Will. Recommended to the House and sent by Col Coursey Col Greenfield and M^r Lynes

The Petition of Talbott County Inhabitants to have their
p. 576 Court house in the Center of their County read and recommended to the House and that Major Gen^l Lloyd & Col Coursey be heard thereto and sent them by Major Gen^l Lloyd & Col Coursey

M^r Freeman's Petition for publick Services read & recommended to the House

M^r Salter M^r Hernsley and M^r Mariartee brought up M^r Contees Petition Endorsed

By the House of Delegates 6th Dec^r 1708

The within Petition read & Leave given to bring in a Bill as prayed

Signed p order R^d Dallam Cl Ho D

M^r Wilkinson Cap^t Jones M^r Lee & M^r Covington brought from the House Viz.

By the House of Delegates Dec^r 6th 1708

Whereas your Excell has been pleased to lay before this House an order of her Majesty in Council relating to S^r Tho^s Lawrences Complaint that the Fines for Ordinary Keepers are a Perquisite belonging to the Secretarys office and have been detained from him This House humbly prays that they may have Leave to address her Majesty and lay the true State of the matter before her. And are of opinion that till her

Majesty's Pleasure be known Ordinarys may be regulated by U. H. J. the Justices in the Several Countys according to the Laws of England & after her Majesty's Pleasure is known such Law or Laws may be Enacted as are Consonant thereunto

Signed p order R Dallam Cl Ho Del.

M^r Wilkinson and the other Gentlemen brought up two Bills. The one Enabling Trustees to sell a piece of Land belonging to Joseph & Benjamin Harris

P. 577

The other for naturalization of Benjamin Dufour and others, both which Bills were read at the Board the first Time

A Bill for confirming and making valid the last Will & Testam^t of Col Contee. Read the first Time and with the aforegoing Bills sent to the House by Col Holland and M^r Lynes

M^r Wilkinson brought up M^r Bennetts Petition which being Endorsed at the Board was sent to the house by M^r Young together with Tho^s Attaway's Petition recommended to the Houses Consideration

The Board adjourned till ten of the Clock to Morrow morning.

Tuesday Dec^r the 7th 1708.

The Council Sate and his Excell being very much indisposed the Honble Major Gen^l Lloyd Presided at the Board. The members thereof being present as yesterday.

M^r Wilkinson and M^r Bradford bring from the House viz.

By the House of Delegates Dec^r 7th 1708

In answer to the message by Sam^l Young Esq^r relating to the Short Entry of thirty five negroes in Carnaby Anno 1704. This House are of opinion that her Maj^{ty's} Attorney Gen^l bring an Action against the s^d Carnaby and his security on his Bond if any for not making a due Entry and if no such Bond the naval officer ought to be accountable

Signed p Order R Dallam Cl Ho Del.

Upon reading whereof this Board do concur therewith and p. 578 order the Administratrix of George Plater Esq^r deliver unto the Attorney Gen^l that Impost Bond in order to be sued

The humble Petition of Samuel Meeke read & recommended to the House of Delegates and sent by M^r Young

M^r Lynes Address and representation about Potowmack Ferry read & recommended to the Consideration of the house of Delegates and sent them by M^r Lynes

U. H. J. M^r Wilkinson and M^r Guybert from the House Saw W^m Bladen Naval officer of the Port of Annapolis Sworn to his Acc^{ts} of the 3^d p Hhd negros & Servants which was delivered to the publick Treasurer of the Western Shoar

M^r Tyler and M^r Bradford brought up a private Bill impowering Trustees to sell certain Lands to redeem a mortgage for the Benefit of Christian Starling a minor which had been read in their House the first & second Time

The same bill was read the first and second Time and Endorsed will pass with the Amendments proposed viz. That the back Lands be expresly named viz^t Starling's Nest and sent to the house by Col Holland

The Board adjourned 'till ten of the Clock to morrow morning

Wednesday Dec^r 8th 1708

The Council Sate Present as yesterday

The account of Wages due to the men employed to guard the Magazine &c during the late Troubles and disturbance Settled and referred to the House of Delegates to order their p. 579 pay conveniently. And sent to the House by M^r Lynes

Col Coursey and M^r Lynes sent to the House with the following Message Viz.

By the Council in Assembly Dec^r 8th. 1708.

Gentlemen

In answer to your Message By M^r Wilkinson Cap^t Jones M^r Lee & M^r Covington of the 6th Inst^t this Board think it very reasonable you address her Majesty as proposed and are willing the Justices of the County Courts should regulate the Ordinary Licences until her Majesty and the Gentlemen of this Assembly shall otherwise proceed therein

Signed p Order W Bladen Cl Coun.

M^r Rich^d Bennet adm^r of Cap^t John Howell his Petition to have leave to bring in a Bill for sale of s^d Howell's Lands read and referred to the house of Del. And M^r John Parker Sherriffe of Calvert County his Petition referred to the Consideration of the House and sent by Col Holland

M^r Greenfield and M^r Story bring up a Bill for Settling the Rates of Foreign Coyne &c Read in their house the first Time & second. Which was read the first Time and sent to the House by M^r Lynes

M^r Robins brought up the Bill for settling the rates of foreign Coynes Endorsed.

By the House of Delegates Dec^r 8th 1708

U. H. J.

Read the third Time and will pass with the Amendm^t that
Dog Dollars be Curr^t at 5sh.

Signed p order R Dallam Cl Ho Del.

The same Bill being thus Endorsed Viz.

By the Council in Assembly Dec^r 8th 1708.

The Endorsement of your House proposing that Dog Dol- p. 580
lards be current at five shill will be flat in the Face of the Act
of Parliamen^t of England & a snare to her Majesty's Subject's
here who will be lyable to the Imprisonm^t & forfeiture by
the s^d Act for receiving them at any rate above one third of
the intrinsick value notwithstanding any law we can make in
this Province Wherefore we cannot Consent thereto

Signed p Order W Bladen Cl Coun.

And was sent to the House by Col Young

M^r Mariartee and five more bring up the following message

By the House of Delegates Dec^r 8th 1708

May it please your Excell

We humbly beg leave to acquaint your Excell that it is re-
ported to this House as an aggrievance that the Restriction or
Limitation of the Commission of the County Courts not to hear
trye or determine to give Judgement in any Action for any greater
Sum than ten thousand pounds of Tob^o or fifty pounds sterl
is the Cause of many Actions being brought in the Provincial
Court which might be heard & determined in the County
Courts for half the Cost and much sooner come to a deter-
mination for Plaintiff & Def^s Advantage. Therefore humbly
desire your Excell to issue new Commissions to the Several
Counties empowering the Justices to hear and determine all
Actions of what nature soever excepting the Titles of Land or
Criminal Cases Extending to life or member which can be no p. 581
prejudice to the Suitors as long as they have Liberty of Ap-
peals and bringing Writts of Error

Signed p order R Dallam Cl Ho Del.

The Board adjourned till ten of the Clock to morrow morning

December the 9th 1708.

The Council Sate Present as yesterday

Resolved the following Answer be sent to the Houses Mes-
sage by M^r Mariartee and others viz.

U. H. J.

By the Council in Assembly Dec^r 9th 1708

Gentlemen. In answer to your message by M^r Mariartee M^r Tyler M^r Covington and Cap^t Crabb we give you to understand that his Excell^{ty} the Governour and this Board sometime since apprehending the Country very desirous to have County Courts Jurisdiction of personal Actions enlarged had Considered thereof and resolved to issue new Commissions to the Several County Courts for that purpose. And further we have often thought that the six Courts in one year are too many and that four are Sufficient, therefore desire you will consider of the Times for holding the said County Courts and prepare a Bill therefore which will be a great Ease to the County Levys, many Courts being adjourned by the Justices on account they suppose they shall have Courts enough to finish their Business in before the 10th day of May appointed for Stay of Executions

Signed p Order W Bladen Cl Coun.

Sent by Col Holland Col Coursey & M^r Lynes

M^r Robins & M^r Pierce bring from the House the Bill for settling the rates of foreign Coins

p. 582 A Proposed Ordinance Impowering the Justices of the County Courts to Grant Ordinary Licences. And.

A Bill for confirming Land to M^r John Hyde & Cap^t John Gandy's Heir read in the House the first & second Times.

The Bill for settling the rates of foreign Coines read the second Time & Passed for Engrossing

The proposed Ordinance impowering the Justices of the County Courts to grant Licences for ordinariys read and assented to by this Board

The Bill for Confirming Land to M^r John Hyde &c read at the Board the first and second Times & sent to the House by M^r Young & M^r Lynes

M^r Tyler and five more bring up the Bill directing the manner of summoning and Electing Delegates and the following Message Viz.

By the House of Delegates Dec^r 9th 1708.

This House will give directions that a Bill be brought in to reduce the County Courts to four in a year Viz. March June August & November to which they desire the Concurrence of the honble Council & that the Act commence next March

Signed p Order R Dallam Cl Ho Del.

Which being read at the Board was assented to by her Majesty's honble Council

The Bill for Electing and summoning Delegates read and U. H. J. ordered to lye on the Table

The following Representation read at the Board and sent to the House by Mr Young Viz.

To the honble the General Assembly now sitting
Dec^r 9th 1708

William Bladen Attorny of the honble Col Nathaniel Blakiston Agent in England for this province humbly remonstrates that his Excell and the honble her Majesty's Council in April 1707 recommended to the honble the House of Delegates to take Care and give directions Col Blakiston's Sallary for one year due in Sept^r 1706 then last past And also for the succeeding year 1707 should be allowed by the Committee who were appointed to apportion the Levy in October 1707 Upon which his Excell the Governour was assured by several of the worthy members of the House that they had taken Care & given directions therefore. But upon Inspection of the Journal of that Committee It appears they made Col Blakiston an Allowance for the year 1707 in full & wholly omitted the year 1706 which I humbly pray may be allowed him and also for this year 1708 And that directions may be given the publick Treasurers readily to pay the same

Your most Obed^t humble Serv^t

W Bladen

Mr Mariartee brings up a bill for appointing Court Days Read the first & second times in the House And a Bill confirming and Explaining the Charter to the City of Annapolis with several amendm^s proposed by the Committee of Laws which was ordered to lye on the Table until to morrow morning

The Council adjourned until ten of the Clock to morrow morning

Friday Dec^r 10th 1708

The Council Sate Present as yesterday

And the Petition of Rich^d Bickerdike Brick Layer being read was recommended to the Consideration of the House of Delegates p. 584

The Bill Confirming and Explaining the Charter to the City of Annapolis read the first & second Times and the Amendm^s proposed agreed to and sent to the House with the above Petition by Col Holland & Col Coursey

U. H. J. The Bill directing the manner of Electing and Summoning Delegates &c. Read the first Time & this Board considering this is the first Session of this present General Assembly and hoping there will be no need to call another for some years are willing to consider of some further Clauses to be inserted in this Bill until the next Session. Which may be for her Majesty's Service & the Advantage of the Province

The s^d Bill with the foregoing Endorsement & the Bill for appointing Court days read the first & second Times at this Board were sent to the House by Samuel Young Esq^r & Col Greenfield

The Petition of James Butler referred to the Consideration of the House of Delegates

M^r Mariartee and M^r Robins bring up two Bills. One ascertaining the Damage on protested Bills of Exchange which was read the first & second times in Council and passed & sent to the House by M^r Lynes

A Bill declaring several Acts to be in force read by the house the first & second times with their desire Endorsed that
p. 585 his Excell considering the season of the year & badness of the weather to let this Bill pass as proposed without making Separate Bills to revive all the within mentioned Acts that will expire this Session.

The s^d Bill & Endorsement being read & Considered the following answer was sent to the House of Delegates Viz.

By the Council in Assembly Dec^r 10th 1708.

The Bill for reviving several temporary Laws being read at the Board it is observed that the Act for Encouragement of Tillage and Relief of Debtors is omitted and we taking that Act to be very advantageous to many of her Majesty's poor Subjects who often fall under unfortunate Circumstances desire it may be revived

And whereas her Majesty's royal Instructions to his Excell positively inhibit the reviving of several Acts of different natures in one and the same Law for fear of any dissent Therefore we cannot Consent to the Houses request but propose the several Acts be severally revived by different Bills which will be very Short and not occasion any great delay to the Conclusion of this Session

Signed p order W Bladen Cl Coun.

Sent to the House by M^r Lynes

The Board adjourned till ten of the Clock to morrow morning

Saturday Dec^r 11th 1708

U. H. J.

The Council Sate Present as yesterday

M^r Hemsley and M^r Covington bring up the Bill for relief
of poor Debtors and Prisoners
And the following Message viz.

By the House of Delegates December 11th 1708

Whereas your Excell has been pleased with the Advice of ^{p. 586}
her Majesty's honble Council to order that no Attorney shall
be admitted to plead in any Court of this province without a
Licence first obtained from your Excell and the Council which
with all Submission and respect due to your Excell & the
honble Coun has been represented and seems to be an Ag-
grievance & contrary to the known practice of all Courts of
Law in Great Brittain and the usual practice of all Courts in
this Province and to the manifest Prejudice of her Majesty's
good and Loyal Subjects therein

In regard of its great hinderance to the said Attorney in
performing their Dutys for fear of incurring your Excell's &
Honours displeasure, and also great Cause of their growing
insolent supposing the Courts of Law have not power to sus-
pend & displace them for their misdeameanours Whose quali-
fications with Submission we presume your Excell will believe
is best known to the Comm^{rs} of the County Courts wherein
they practice

For which reasons this House humbly address themselves
to your Excell to order and restore the Several Courts to their
antient Rights of admitting & Suspending the Attorney &
Practitioners and they will take all due Care that none shall be
admitted but such as shall meritt the same by their fair &
honest practice

We also acquaint your Excell there has been Complaints
made to this House that several Merch^{ts} trading into this
Province under pretence that your Excell & Council has given
them leave have kept Stores at several Places not being Towns ^{p. 587}
Contrary to Law made in this Province several of which
Merch^{ts} have been presented at the Assizes for breach of the
said Law but the Queens Att^{ny} Gen^l hath refused to prose-
cute them according to the Law af^d We therefore humbly
pray that your Excell will be pleased to lay your Commands
on the Attorney Gen^l that when any Presentm^t shall be made
that he prosecute all such who shall make any breach of that
or any other Law that is in force that we may not be repre-
sented to make Laws and have them dispensed withal without
our Consents

Signed p order R Dallam Cl Ho Del.

U. H. J. The Council adjourned until ten of the Clock on Monday Morning

Monday Dec^r 13th 1708

The Council Sate Present as on Saturday saving Col Holland

The Message brought by M^r Hemsley and M^r Covington on Saturday last being taken into Consideration Resolved that the following answer be sent thereto Viz.

By the Council in Assembly Dec^r 13th 1708

Gent. Your Message by M^r Hemsley and M^r Covington relating to Attorneys &c being read at the Board we find you have misrecited his Excell^{ty} order concerning the Admission of Attornys to plead in this Province in which there is a saving to all who have rights to that practice Viz. Who have ever been of any of the Inns of Courts and as to what you assert to be an Aggrievance and contrary to the known practice of all the Courts of great Brittain we are of opinion the House is not
 p. 588 acquainted with the practice of the Courts there which we are well informed is otherwise for that neither the Chancery Queens Bench Common pleas or Exchequer admitt the Practitioners in their several Courts The Serjeants and Barristers on Certificate of the Benchers being called by the Queen's Majesty and the several Attornys admitted and sworn by the master of the Queens Bench & Prothonotaries of the Common Pleas

Nor is the Practice of this Province of such duration to inform us of such antient right so that on due Consideration we can see no Aggrievance but rather an Advantage to the good people of the province that the Governm^t take Care none but men of known Integrity and Ability are admitted to practice in the several County Courts who need not apprehend any bodys Displeasure for defending their Clients whilst they contain themselves from railing and seditious speeches against the Governm^t, nevertheless by the said order of Council there is no Inhibition to the Justices of the Provincial and County Courts from suspending any Practitioners who give any just occasion by their Insolence or misbehaviour, but on the contrary his Excell has been Satisfied with their so doing, and has often declared he should be very glad to see the County Justices assert their Authority on all such occasions

Upon the latter part of your message about the severall merchants keeping stores not in Towns under pretence of his Excell having given them leave so to do His Excell is pleased to say he never gave any such leave but that on the applica-

tion of Cap^t John Darrocott the Council with the Assistance of U. H. J. two of the Justices of the Provincial Court had given the ^{p. 589} opinion herewith sent you which is no Dispensation with the Laws for Towns. As to Several Presentments made at the Assizes of several Merchants on that score. The Attorney Gen^l says he never heard of any but one at Calvert County ag^t Cap^t John Jefferson of Kilkady in Great Brittain who was the first Trader here from that part of the Kingdom lately called Scotland and was generally presented for not keeping Store in Townes according to Law

To which his Excuse was there was no Store houses at Port St George in Patuxent where he lay and the Presentm^t being too General was Conceived improper and no particular Information of what Goods he sold being given the Attorney Gen^l by any particular person was the occasion he did not exhibit an Information against him.

Signed p order W Bladen Cl Coun.

The foregoing Message with the Bill for the relief of poor Prisoners sent to the House by Col Greenfield and M^r Lynes.

The honble Col W^m Holland came & was added to the Board.

M^r West & M^r Wright bring up the Bill directing the manner of Electing and summoning Delegates read again in the House and the Houses desire thereon Endorsed that it may pass this present Session and that if the Council have any Amendm^{ts} or additional Clauses they are ready to receive them

But this Board being not yet agreed on what methods may be prescribed to oblige all the Freeholders of each County to appear at the respective Elections once more desire the House will not Insist on passing the Bill this present Session. Which ^{p. 590} was sent to the House By M^r Young

Cap^t Philips and three more bring from the house the Bill for Electing & summoning Delegates with the following Message viz.

By the House of Delegates Dec 13th 1708

In answer to the message by Samuel Young Esq^r on the Back of the Bill directing the manner of Electing and summoning Delegates &c.

This House are of opinion there is no Necessity for having any method prescribed to oblige the Freeholders to appear at Elections, the Interest of their Queen & Country being Sufficient to engage them to Take Care of what Persons they

U. H. J. Elect to represent them in a General Assembly & this House taking this Bill to be of as great Consequence as any that will be passed this Session do pray the Concurrence of the honble Council thereto

Signed p order R Dallam Cl Ho Del.

The said message being read was ordered to lye on the Table

M^r Hemsley and M^r Robins bring up seven Bills viz The Bill for relief of Debtors and other languishing Prisoners, read in this House the third time.

A Bill repealing the Act prohibiting the Importation of Bread Beer &c read the first Time

A Bill Confirming the Charter of Annapolis read the first Time

A Bill reviving the Act ascertaining the height of Fences read in the House the first Time

A Bill reviving the Act for the Impost of 3^d p Hhd read p. 59^t in the House the first Time

A Bill reviving the Act for the Impost of 3^d p Gall on Rum Wine &c & twenty shill p poll on negroes and Irish Servants Read in the House the first Time

Which Bills were read at the Board & then The Council adjourned until ten of the Clock to morrow Morning

Tuesday Dec^r 14th 1708

The Council met Present as yesterday

The Bill for reviving the Act for Limitation of Officer's Fees being read. It is observed the House of Delegates have only proposed to revive this Law until the next Session

Wherefore in regard her Majesty's royal Instructions direct his Excell to pass no Bill unless of the continuance of three years or longer, It is resolved That this Board cannot agree to the said Bill as proposed but desire the House to revive it for the Term of three year or the next Session of Assembly which shall happen thereafter.

Ordered that the Bill for Importation of Bread Beer & Flower &c from Pensilvania lye on the Table for further Consideration.

The other Bills brought up last night by M^r Hemsley and M^r Robins were sent to the House by Col Coursey and M^r Young

It being moved on behalf of the Administrators of M^r George Plater late Receiver of Patuxent district that by the order of his Excell & this Board he had Supplied Cap^t Blakemore

with ten pounds Sterl on some especial Service to the Coun-
try, being sent to North Carolina

U. H. J.
p. 592

Resolved the following message be sent to the House of
Delegates by M^r Lynes Viz^t

By the Council in Assembly Dec^r 14th 1708

M^r George Plater late Naval Officer & her Majesty's receiver of the District of Patuxent having by order of his Excell. & this Board Supplied Cap^t John Blakmore when sent to Carolina on the Country's Service with ten pounds Sterl which was necessarily Expended in negotiating the Business he was charged with We recommend to your House to make allowance for the s^d sum of Ten pounds to M^r Plater's Adm^{rs}

And further inasmuch as there was fifty pds Sterl allowed in April 1707 for M^r John Perry the Posts Sallary his Excell being Satisfyed that sum was allowed to M^r Robert Mason late Treasurer on the Western Shoar recommends to you that Care be taken to Stop the payment thereof

Signed p order W Bladen Cl Coun.

The Bill directing the manner of Electing & Summoning Delegates read at the Board & ordered the same with the following Message be sent to the House Viz^t

By the Council in Assembly Dec 14th 1708

This Board having a due Sense of the Consequence of this Bill were willing to have had further Consideration thereof until the next Sessions. But seeing the House are so desirous to have it Completed this Session we have once more read it and desire there may be a Clause inserted to oblige the Freeholders to appear at Elections It having been often Experienced that they are very indifferent & remiss on these occasions

And further on comparing the former Law with this now proposed we find a whole Clause omitted therein which being adjunct to her most sacred Majesty's royal Prerogative we are not willing to impair the same but desire it may be inserted as formerly Enacted

Signed p order W Bladen Cl Coun.

Sent to the House by Col Holland.

M^r Mariartee and M^r Tyler bring up a Bill relating to Attorneys read in the House, the first & second Times

The said Gentlemen brought up the following Message Viz.

U. H. J. By the House of Delegates December the 14th 1708

In answer to your message by Col Greenfield and Philip Lynes Esq^r yesterday Intimating that this House had misrecited his Excell order in Council concerning the admission of Attorneys &c

This House did not recite the said order and are Satisfyed that there is a Saving to all such who had ever been of the Inns of Court or Chancery &c

And notwithstanding such saving are of opinion It is an Aggrievance And altho this House may not be so well acquainted with the practice of the Courts of Great Britain yet they are Satisfyed the Serjeants at Law are called by the Queen's Writt & that the Attornys are never Sworn or admitted by any Master or Prothonotary of any Court, without the Knowledge and Consent of the Justices of those Courts and altho the Infancy of this Province cannot in some person's opinion plead prescription yet it appears to this House that ever since the seating the Province no Attorney has been admitted without the Consent of the Courts, And by them silenced if Occasion required and the contrary practice is an Aggrievance to the whole Province And this House desire the hon:ble Council not to censure their message as if they were Suitors for any particular persons but for the whole Province in general and for the Lives & Fortunes of the present Inhabitants thereof and their Prosperity. And therefore move the hon:ble Council to Concur with the Bill proposed for Settling the same as to the other part relating to the merchants Selling goods at Towns this House did not by their message desire any prosecution for any offence passed against the Act for Towns but only to inform the honble Council what Constructions were put upon their proceedings in the Country & presented to this House as an Aggrievance and hope the same will be prevented for the future

Signed p order R Dallam Cl Ho Del.

The af^d message and the Bill proposed for ascertaining fees to Attorneys & Practitioners of the Law in the Courts of this Province being read at the Board.

Resolved the following message be sent to the House Viz.

P. 595 By the Council in Assembly December the 14th, 1708

Upon reading the message ascertaining Attorney's fees &c We recommend that the Sum of four hundred pounds of Tob^o in Lieu of two hundred be to all Attorneys prosecuting and defending any Cause plaint or Action of what nature

soever in the Provincial Court to final Judgem^t Agreem^t or U. H. J. other End For any fee in the high Court of Chancery Vice Admiralty or Writts of Error and Appeals before the Govern^r & Council Six hund^d p^{ds} of Tob^o

The fee in the Commissary's Court four hund^d Pounds of Tobacco

We think the Words receive, take may be well omitted in the Bill for that we never heard any Persons practising the Law or any other Persons were ever prohibited from receiving any free Gratuity or reward from their Employers who judged them worthy thereof

Further we recommend that it be inserted in the last Clause of the Bill that all Persons whatsoever practising the Law shall be first Licenced by his Excell the Governour & Council for the Time being &c before admitted by the Several Courts who shall notwithstanding have the power of such admission by Swearing and likewise to suspend on just Grounds

Signed p order W Bladen Cl Coun

Sent by Col Holland & M^r Young

M^r Story and M^r Wright bring from the House Viz.

By the House of Delegates Dec^r 14th 1708

In answer to the message by Philip Lynes Esq^r

This House will order the Committee for appointing the p. 596 Levy to pay the Adm^t of George Plater Esq^r the ten pounds by him paid by his Excell order to Cap^t Blakemore

As to the fifty pd allowed Perry the Post This House will order the Treasurer to Stop the mony in the Hands 'till further orders from this House

Signed p order R Dallam Cl Ho Del.

Cap^t Crabb and Cap^t Jowles brought up two Engrossed Bills

The one ascertaining Damage on protested Bills of Exchange and.

The Bill for Appointing Court Days in the Several Countys assented to by the House of Delegates which was read & assented to by this Board

M^r West & M^r Greenfield bring up the following Message Viz.

By the House of Delegates Dec^r 14th 1708

In answer to the Message by Col Holland and Samuel Young Esq^r relating to the Amendments concerning Attorneys

U. H. J. fees this House agree to the first part of the message. But as to the other part relating to Attorneys being licenced &c And the words (receive, take) this House cannot Consent thereto and pray the Bill may pass as it now Stands amended
Signed p order Rich^d Dallam Cl Ho Del.

Which being read at the Board as likewise the Bills with the amendments proposed Ordered the said Bill be Endorsed
p. 597 and sent to the House of Delegates Viz. Eodem Die. Read in Council again and this Board cannot Consent to pass the Bill without the Amendments made therein

To Which if the House of Delegates do not Concur we desire the Bill may be referred till the next Session.
Signed p order W Bladen Cl Coun.

Sent by Col Holland and M^r Young
M^r Daniel Mariartee M^r Story & M^r Covington bring up the Bill directing the manner of electing and summoning Delegates with the following message Viz.

By the House of Delegates Dec^r 14th 1708

In your message by Col Holland with the Bill directing the manner of Electing and Summoning Delegates &c This House cannot see any reason why any Clause should be inserted to oblige Freeholders to appear at Elections unless it be to draw them into snares & Fines not being customary in great Brittain

As to the Clause being left out of this Bill which was in the former we cannot see it any Derogation to her Majesty's Prerogative & pray the Bill may pass as it is
Signed p order R Dallam Cl Ho Del.

Ordered the foregoing message and Bill lye on the Table
M^r Tyler and M^r Hill bring up an additional Bill to the supplementary Act for advancement of Trade &c. Read in the House the first and second times

A Bill for reviving the Act for Encouragemen^t of Tillage
p. 598 and relief of poor Debtors read in the House the first and second Times

Which being read at the Board were sent to the House by M^r Lynes.

M^r West and five more members of the House bring up the Bill relating to Attorneys &c Endorsed.

By the House of Delegates December the 14th 1708 U. H. J.

This House are verry sorry the honble Council should hearken to the cunning subtle Insinuations of any designing Persons and not look into the Statutes impowering Courts to admitt Attornys &c 15th Edw: 2^d Chap. 1st & 4th H. 4 Chap 18th and many other which will more truly inform them the Courts have the only power to admitt Attorneys. And this House cannot but take notice how easily private Bills pass but when anything offers for the good of the Country some Persons throw stumbling Blocks in their way and therefore they pray the honble Council's Concurrence with this Bill

Signed p order R Dallam Cl Ho Del.

Ordered this message lye on the Board till to-morrow morning

The Board adjourned till ten of the Clock to morrow morning

Wednesday December 15th 1708

The Council Sate Present as yesterday

And the message last night by Mr West & five other of the House's members being taken into Consideration. Resolved the following answer be sent thereto Viz.

By the Council in Assembly December the 15th 1708 P. 599

In answer to your message by Mr West and five other members of your House we cannot but take leave after so many Condescensions and so much fair Temper by us made and Expressed towards you during the whole transactions of this Sessions to tell you how much we are Concerned you should have so light an opinion of us that we should hearken to the cunning Subtile Insinuations of any designing Persons who Endeavour to throw Stumbling Blocks in your way to serve the Country, and assure you that we heartily wish such as ungrateful to your House as we firmly resolve they shall be to our Board and therefore as it is our Intention in Imitation of his Excell the Governour's noble Example and declaration to use our utmost Endeavours for the Service of our Queen and Country without Artifice or design so we affirm to you were we not Convinced that it was & still in this Province is the royal Prerogative to admitt & allow of Attornys we should not spend unprofitable minutes to refuse what you might reasonably Challenge

Therefore as we believe you to be men of sound reason we shall in order to put an End to this Dispute Satisfye you it was

U. H. J. the royal Prerogative to assign attorneys to the Subject who were forced to procure the King's Grant to appoint their Attorneys as by the Writt of Dedim: pro Attorn^o faciendo in Fitz: Natura Brevium fol 25. And secondly that that Authority being never debated on the Country nay any of the Courts of this Province therefore must remain inter sacra sacrorum
 p. 600 Inseperalia Regum. Nevertheless his Excell to shew how ready he is to gratify the Country which you represent Is Willing to pass the bill now proposed (that is to say) that the Several Courts of this Province have power to admitt & suspend the Att^{nys} until her Majesty's Pleasure be declared herein, always Salvo jure Coronæ, & that they shall not admitt any to practice the Law who have already been denied that Liberty by his Excell. and this Board, And further that none be admitted to practice in any of the Courts of this Province whatsoever but such who qualify themselves by taking the Oaths appointed by Law

Signed p order W Bladen Cl Coun.

M^r Covington and M^r Wright bring up five Engrossed Bills assented to by the House

The Bill empowering Trustees to sell Lands to redeem a mortgage in favour of Christian Sterling of Calvert County

A Bill confirming Lands of Cap^t John Hyde and the heir of Cap^t John Gandy

A Bill ascertaining the value of foreign Coyns

A Bill enabling Trustees to sell Lands belonging to Joseph and Benjamin Harris

A Bill for naturalization of Benjamin Dufour and others

M^r Wilkinson and M^r Covington bring up the Bill relating to Attorneys &c Endorsed by the House read again and will pass with the Amendm^{ts} which was read and sent to the House by Col Holland

M^r Mariartee brings up the Bill for Electing and summoning Delegates

p. 601 Read the third time in the House & the clause inserted proposed and agreed to which was read again at the Board and being endorsed will pass with the Amendm^{ts} was sent to the House by M^r Lynes

The Bill for repealing the Act for prohibiting the Importation of Bread Beer &c from Pensilvania being read. It is thought that Law is for the Interest of the Country and therefore are not willing to repeal it which being so Endorsed was sent to the House by M^r Lynes

M^r Hemsley brings up three engrossed Bills Viz.

A Bill confirming and Explaining the Charter to the City of Annapolis. Assented to by the House of Delegates

The Bill reviving the Act for Tillage & relief of Debtors U. H. J. assented to by the House of Delegates &

The Bill imposing three pence p Gall on rum and Wine Brandy and Spiritts and twenty shill p poll on negroes and Irish Servants, read and assented to by the House

Col Greenberry and five more bring from the House Viz.

By the House of Delegates Dec^r 15th 1708

This House desire the honble Council to appoint some members of her Majesty's honble Council to join in a Committee with some of the members of this House to apportion the publick Levy
Signed p order R Dallam Cl Ho Del.

To which the following answer was sent by Col Coursey and M^r Young Viz.

By the Council in Assembly Dec^r 15th 1708

There being but a thin Appearance at our Board this Session We have directed only two of her Maty's Council Viz. Col Coursey and M^r Young to assist the Committee in laying p. 602 the Levy
Signed p order W Bladen Cl Coun.

The Board adjourned till ten of the Clock to morrow morning.

Thursday Decemb. the 16th 1708

The Council Sate Present as yesterday

And the ten Engrossed Bills sent up from the House yesterday and on Tuesday being assented to by this Board were returned to the House by M^r Lynes

M^r Covington and M^r Tyler bring up five Engrossed Bills Viz.

A Bill for relief of poor Debtors and languishing Prisoners assented to by the House

A Bill reviving the Act ascertaining the height of Fences & restraining Wood Rangers &c assented to by the House

A Bill reviving the Act for Impost 3^d p Hhd on Tob^o for defraying the publick Charge of this Province Assented to by the House

An Additional Bill to the Supplementary Act for Towns & Advancem^t of Trade &c Assented to by the House. And

A Bill confirming the last Will & Testam^t of Col John Contee read & assented to by the House of Delegates. Which

U. H. J. being read at this Board & Assented to were returned to the House by M^r Lynes

Then was read the Petition of Wornel Hunt Esq^r praying to be heard what he had to offer against the Bill ascertaining Attorney's Fees, and being called before the Board said he hoped the honble Council would consider him with some distinction p. 603 separate from the rest of the Attornys he having been called to the Barr being of the Society of Gray's Inn and that it was very hard he should be made incapable of receiving the good will of his Clients if they thought better of his Service, and then withdrew

The s^d Petition referred to the House of Delegates

Ordered Col Holland carry the following message to the House Viz.

By the Council in Assembly Dec^r 16th 1708

This Board being made sensible that you intend at the next Session to revise the Act for limitation of Officer's Fees do agree at present It may be revived only until the End of the next Session of Assembly

And further we put you in mind that the Act for ordering and regulating the militia This House have proposed Bills for that purpose to which they desire the Concurrence of the honble Council Signed p order R Dallam Cl Ho Del

M^r Tyler and Cap^t Jones brought the following answer from the House Viz^t.

By the House of Delegates Dec^r 16th 1708

In answer to the message by Tho^s Greenfield Esq^r relating to the Country arms being Lodged in the Court House this House readily Concur thereto, and humbly pray his Excell will be pleased to order the same to be done at the County Charge Signed p order R Dallam Cl Ho Del.

M^r Tyler and M^r Wilkinson bring up the following message Viz.

By the House of Delegates 16th Dec^r 1708

p. 604 It will be great Forwardness to the compleating this Session to have the Several Engrossed Bills sealed ready for his Excell^t assent thereto & this House desire the hon:ble Council to appoint that some of their Board and two of this House may see them sealed accordingly this Evening Signed p order R Dallam Cl Ho Del.

Ordered that Col Holland carry the following answer Viz. U. H. J.

That this Board agree to the Houses request by M^r Tyler and desire the House to send two of their Members to see the Bills sealed in the Council Room

Signed p order W Bladen Cl Coun.

M^r Tyler and M^r Wilkinson brought up two Engrossed Bills Viz^t

A Bill declaring the manner of Electing & summoning Delegates assented to by the House. And

A Bill ascertaining Attorney's Fees &c assented to by the House.

Which Bills being read and assented to by the Board were sent to the House by M^r Lynes

The Board adjourned till ten of the Clock to morrow morning

Friday Dec^r 17th 1708

The Council in Assembly Sate Present as yesterday

Cap^t Jowles brings up the Engrossed Bill reviving the Act for Limitation of Officer's fees which being read and assented to by this Board was sent to the House by M^r Lynes

M^r Mariartee & M^r Covington brought up the following Message Viz.

By the House of Delegates Dec^r 17th 1708.

Upon reading the Engrossed Bill reviving the Act for or- p. 605
dering and regulating the Militia. It is the opinion of this House that the said Bill shall not pass and resolved that the said Act be not revived as it now stands

Signed p order R^d Dallam Cl Ho Del.

Upon reading whereof

Ordered that his Excell the Governour be made acquainted therewith which being done and the following Message drawn up ordered it be sent to the House by the honble Col Holland Col Coursey and Col Greenfield Viz^t

By the Council in Assembly Dec^r 17th 1708

On communicating to his Excell. your resolve not to revive the militia Law he was pleased to declare he could not Expect any persons that had the least respect for their Country would ever consent to leave it defenceless in case of any Invasion

U. H. J. especially in this Time of War and if you are jealous of the 50000^{lb} Tob^o made use of by the Govern^r & Council his Excell says he despises so mean a thought that should ballance with the Safety of the Province and as he has never made use of that Tob^o so he had no thought of it: and we being well Satisfied It is highly necessary that Act be kept in force without which the Governm^t will not be secure in Case of any disturbance and recommend to you to reassume the Consideration thereof and pass the Bill as agreed to

Signed p Order W Bladen Cl Coun

M^r Mariartee and M^r Covington bring up the Bill for assessing the publick Levy read in the house the first and second times. Which was read at the Board the first and Second Times and recommended that the Words (Officers fees) be inserted in the Bill

p. 606

M^r Worthington and M^r Robins brought up the Engrossed Bill for ordering and regulating the Militia. Which being read & assented to by this Board was with the Bill for assessing the publick Levy sent to the House by M^r Lynes

Col Lowe and M^r Tyler brought up the ass^d Bill Engrossed and assented to by the House of Deleg^s which was read and assented to by this Board and sent to the House by Col Coursey

Col Lowe and five more of the Houses members come up and acquaint his Excell their House having nothing before them wait his Excell^s Commands

Major General Lloyd and Col Holland sent to the House in her Majesty's name to command them to attend his Excell in Council in order to conclude this Session

Whereupon M^r Speaker and the Members of the House of Delegates came up and presented the following Bills Viz^t

An Act for settling the rates of foreign Silver Coins within this Province

An Act for ascertaining what Damage shall be allowed on protested Bills of Exchange

An Act for relief of poor Debtors & Languishing Prisoners

An Act appointing Court days in each respective County within this Province

p. 607

An additional Act to the Supplementary Act for Towns & Ports within this Province

An Act directing the manner of Summoning and Electing Delegates & Representatives to Serve in succeeding Assemblys

An Act ascertaining Fees to the Attornys & Practitioners of the Law in the Courts of this Province and for levying of the same by way of Execution

An Act reviving an Act for ordering & regulating the Militia U. H. J. of this Province for the better defence & security thereof

An Act reviving an Act of Assembly of this Province Entitled an Act imposing 3^d p Gall on Rum and Wine Brandy & Spiritts and twenty Shill p poll on negroes for raising a Supply to defray the publick Charge of this Province and 20^s p poll on Irish Servants to prevent the importing too great a number of Irish Papists into this Province

An Act reviving an Act of Assembly of this Province Entitled an Act laying an Imposition of 3^d p Hhd on Tob^o for defraying the publick Charge of this Province

An Act reviving an Act of Assembly of this Province Entitled an Act for limitation of Officer's fees. An Act confirming and Explaining the Charter to the City of Annapolis

An Act reviving a certain Act of Assembly of this Province, ascertaining the height of fences to prevent the Evil occasioned by the Multitude of Horses and restraining Horse Rangers within this Province

An Act reviving an Act of Assembly of this Province Entitled an Act for Encouragem^t of tillage and relief of poor Debtors p. 608

An Act for paym^t and Assessm^t of the publick Levy of this Province and giving time to the Sheriffs to demand publick dues 'till the first of March this present year 1708

An Act for naturalization of Benjamin Dufour of Ann Arundel County Planter Justus Englehard Ketclin of the same County Painter & James Roberts of the same County Planter

An Act confirming the Title of a certain Tract of Land therein mentioned to John Hyde of the City of London Merch^t and also Confirming to the heir at Law of John Gandy late of the said City Mariner deceased all oth^r. Lands in this Province in the s^d Act mentioned

An Act empowering Trustees to sell several parcels of Land late the Estate and Inheritance of Thomas Starling deceased for redemption of a Mortgage made by him to John Hyde of London Merch^t for the Benefit of Christian Starling a Minor

An Act empowering certain Trustees to sell a tract of Land in Talbott County called Frankford S^t Michael late the Estate and Inheritance of W^m Harris late of Calvert County, and with the mony thereby arising to purchase other Lands for the use of Joseph Harris and Benjamin Harris sons of the said W^m Harris and the heirs of their Bodys according to the last will and Testament of the said William Harris

p. 609

An Act confirming and making Valid the last Will and Testam^t of Col John Contee

U. H. J. To Every of which said Bills his Excell was pleased to assent
and on behalf of her most Sacred Majesty Queen Ann willed
them to be Laws

After which his Excell was pleased to prorogue the Assem-
bly till the fifth day of April next

So Ended the first Session of this Assembly

William Bladen Cl Coun

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a Session held at Annapolis, Nov. 29 to Dec. 15, 1708.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN SEYMOUR,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland Ss.

At a Session of Assembly begun and held at the City of Annapolis in Ann Arundel County on Monday the twenty ninth Day of November in the seventh year of the Reign of our Sovereign Lady Anne Queen of Great Britain France and Ireland and the Dominions and Territories thereto belonging Defender of the Faith &^{ia} Annoq Dom. 1708 by Virtue of her Majesty's Writs of Election directed to the Several and respective Sheriffs of the several Counties of this Province and to the Mayor Recorder and Aldermen of the City of Annapolis requiring the said Sheriffs to summon and call together the Freeholders of the respective Counties to elect and choose four Delegates to serve as Representatives for their several Counties and the said Mayor Recorder and Aldermen of the said City to elect and choose two Citizens to serve for the said City Representatives in this present General Assembly which Writs bear Date the

Day of October last past returnable this Day at which Time assembled in the Stadt House several of the Members elected who having acquainted his Excellency the Governor of their Meeting were commanded immediately to attend him in the Council Chamber whither they went and being admitted his Excellency was pleased to say That since they were a sufficient Number to compose a House he required them to repair to their own House and there make Choice of their Speaker and present him.

Whereupon the Members returned to the Stadt House and make choice of M^r Robert Bradley a member returned for Prince George's County to be their Speaker and place him in the Chair and then go and present him to his Excellency the Governor where being admitted M^r Speaker made a short excusatory Speech disabling himself by Reason of some Imperfections and desired his Excellency to order the House to make Choice of some more able and sufficient Person for their Speaker which his Excellency would not admit of but concurred with the House in their Choice and commanded him to take the same upon him.

Then M^r Speaker in the Name of the House desired the ancient Privileges of the House might be confirmed to them and that if any Thing happened amiss his Excellency would

L. H. J. not attribute it to the House but to his Weakness and that he might have Access to his Excellency at upon all Occasions. All which his Excellency was pleased to grant And M^r Speaker in the name of the whole House returned his Excellency hearty Thanks. Then his Excellency was pleased to declare to the
 p. 158 House the Occasion of his now calling them together using many Expressions of Tenderness and Care for the Province and what he had to offer to this Assembly And M^r Speaker in the Name of the whole House desired his Excellency to let the House have a Copy of his Speech and his Excellency was pleased to say they should have it in the Morning Then M^r Speaker with the Members returned to their own House and M^r Speaker took the Chair.

The Honble Col^o William Holland, Samuel Young, Thomas Greenfield and Philip Lynes, Esquires, Members of her Majesty's Honble Council enter the House with M^r William Bladen, Clerk of her Majesty's Honble Council and by Virtue of a Dedimus Petestatem to the said Councillors directed administered to the Honble Speaker and Captain Richard Jones, Col^o Charles Greenberry, M^r Daniel Mariarte, M^r Joseph Hill, Wornell Hunt Esq: Thomas Bordley Esq^r Cap^t John Mackall, M^r Robert Skinner, Col^o Walter Smith, M^r Nathaniel Dare, Col^o James Smallwood, M^r William Wilkinson, M^r Thomas Crabb, M^r Walter Storey, M^r Thomas Covington, M^r Daniel Pierce, Col^o John Coode, Capt. Thomas Trueman Greenfield, Capt. Henry Peregrine Jowles, M^r Joshua Guibert, M^r John Whittington, M^r John Salter, M^r Solomon Wright, M^r Philemon Hemersly, M^r Robert Tyler, M^r John Bradford, M^r Philip Lee, M^r John West, Major George Gale, M^r Samuel Worthington, Col^o Nicholas Lowe, M^r Robert Ungle, and M^r Thomas Robins, Members of this House, the several Oaths appointed to be taken by Acts of Parliament, and the Honble Speaker and all the aforesaid Members having signed the Test and Oath of Abjuration the Honble Gentlemen of the Council with their Clerk withdrew.

Then the House made Choice of Richard Dallam for their Clerk

Ordered That M^r Nathaniel Dare and M^r Philemon Hemsley go with the Clerk and present him to his Excellency for Approbation and to see him qualified if approved They return and say they saw the Clerk qualified by taking the usual Oaths his Excellency having approved of him Then the House adjourned till to Morrow Morning Tuesday 13th November 1708 The House met according to Adjournment being called over there appeared, in the House the several Members following Viz.

L. H. J.

For St Mary's County		Baltimore County	
Col ^o John Coode,	}	M ^r James Philips	}
Capt. Tho ^s Truman Greenfield		M ^r Aquila Paca	
Capt. Henry Peregrine Jowles		M ^r Rich ^d Colgate	
M ^r Joshua Guibert			
Kent County		Talbot County	
M ^r Thomas Covington	}	Col ^o Nicholas Lowe	}
M ^r Daniel Pearce		M ^r Robert Ungle	
		M ^r Thomas Robins	
Ann Arundel County		Somerset County	
Cap ^t Richard Jones	}	M ^r John West	}
Col ^o Charles Greenberry		Major George Gale	
M ^r Daniel Mariarte		M ^r Samuel Worthington	
M ^r Joseph Hill			
City of Annapolis		Dorchester County	
Wornell Hunt Esq	}	No Members	
Tho ^s Bordley Esq			
Calvert County		Cecil County	
Col ^o Walter Smith	}	No Members	
Capt. John Mackall			
M ^r Robert Skinner			
M ^r Nathaniel Dare			
Charles County		Prince George's County	
Col ^o James Smallwood	}	M ^r Robert Bradley, Speaker	}
M ^r W ^m Wilkinson		M ^r Robert Tyler	
M ^r Thomas Crabb		M ^r John Bradford	
M ^r Walter Storey		M ^r Philip Lee	
Queen Ann's County			
M ^r John Salter		}	
M ^r John Whittington			
M ^r Solomon Wright			
M ^r Philemon Hemsley			

M^r Speaker delivered into the House a Copy of his Excellency's Speech which was ordered to be read as followeth p. 159

M^r Speaker, and you Gentlemen Delegates,

It has been demonstrable to all unbiassed Persons that I never promoted any seperate Interest from yours, since my Administration; and with an honest open Heart I here solemnly assure you her Sacred Majesty's Service and the true Welfare of this Province has been my only Ambition since I had the

L. H. J. Honour to be constituted Governor of Maryland : And if some sour ill natured Incendiaries had not lately used their utmost malicious Insinuations to disturb and debauch her Majesty's other well meaning Subjects who came well prepared and honestly inclined to serve their Queen and Country there had been no Occasion for convening an Assembly so late in the year therefore let me enjoin you to lay aside all Annimosities, unnecessary Heats and private Piques, that with Calmness you may thoroughly consider the publick Interest with some Regard to the Character her Majesty has graciously given me, being ready to concur with you in what good Laws our Sovereign has, with great Tenderness recommended and others which you may think proper to be presented this Session for as I'm heartily willing to serve the Province to my utmost I'll never give you any just Reason to believe I will be a Victim to the restless Antimonarchial Spirit of an ungovernable Faction, but as I have always studied Loyalty to God Almighty's Vicegerent on Earth with all Sincerity and Friendship, I would gladly inculcate that Honble Principle into the Minds of every Gentleman here present, M^r Speaker, What I have further to offer unto you this Time is what I recommended to the late Convention, That her Majesty has been pleased to disapprove of two Laws lately made here, the one against Masters Cropping Tobacco on Board their Ships and the other about the Gauge of Tobacco Hogsheads and commands me to tell ye 'til her Royal Pleasure that we in this Province conform to the Size of those in Virginia and recommends a new Law to be made for that Purpose.

Gentlemen, Her Majesty thinks Sir Thomas Lawrence hardly used in Respect of the ordinary Licenses which her late Attorney General has reported to belong to his Office of Secretary. M^r Speaker shall have the Report, and her Maj^{ty's} Order thereon, and what Orders I have received from the Right Honble the Lords Commissioners of Trade &^{ts} on Sir Thomas's Complaint whereby you will perceive how earnestly her Majesty recommends a Law to appropriate the Fines of those Licenses to his Office for a longer Duration of Time than three Years therefore hope you will be so prudent to shew
 p. 160 your ready Compliance herein. M^r Speaker, and you Gentlemen Delegates, I have repeated Instructions about the four Justices who are appointed to hold the Provincial Courts and Annually go their Circuits twice and am commanded to let her Majesty know speedy Notice what Provision the Country has made to enable them the better to go through the Fatigues of their constant Attendance on that Duty Let your Concurrency therefore be hearty and chearful while it's in your Power and banish all flattering Whispers which advise you to swallow

such a pernicious Notion that you Gentlemen here assembled L. H. J.
are wiser than the vast Crowds of her other great Dominions
who with open Loyal Hearts run to serve her Sacred Majesty
who seems concerned the late Assembly threw out the Bill for
punishing those that should raise and disperse false News in
this critical Time of War and Danger. I am commanded to
offer it anew to you Gentlemen the present Delegates, Nor
can I believe any reasonable well meaning Man to the Govern-
ment will ever be against it

Gentlemen, there is an Arrear due to the poor Men em-
ployed to secure your Magazine and Arms during our late
Disturbances for as it was my very great Concern to preserve
the Peace of the Country I am sure it's your Part to see those
paid and rewarded who were so ready and vigilant to serve
the Public. And now Gentlemen, give me Leave to tell you
it's high Time for you that represent the whole Province to
look into the many Immoralities of this poor deluded Country,
where Drunkenness, Adultery, Sabbath breaking and Perjury are
a Jest; horrid Murders stifled, and the Malefactors glory in it;
Treasons made a Trifle and the Abettors caressed; Magistrates
grow careless and the Offenders impudent; some being made be-
lieve by many Seducers a short Confession here can absolve them
from any future Account Till these Things are in some Measure
amended by your Prudence and Examples I have but slender
Hopes your Debates can be successful; but as we are all willing
to be called Christians and good Subjects let us in our several
Stations act like Men of that Noble, Excellent Character; and
let that Magistrate be stigmatized wth Infamy who connives
at or countenances any Sort of Knavery, Atheism or Disloy-
alty and whenever you will heartily & sincerely endeavour to
bring this great work about I should by the Blessing of God,
Gentlemen, never doubt of seeing the Country flourish & im-
prove For then Gentlemen the Heathen round about us would
never mock at our Religion as Hypocrisie and the rest of the
World will see, know & be convinced to your lasting Glory
that the People of Maryland truly serve God and with a Dutiful
Regard Honour our Lawful and Rightful Sovereign the
Queen.

Col^o Thomas Smithson a Member returned for Baltimore p. 161
County being lame sent his Lre of Excuse for not attending;
which was read and allowed of and M^r John Carville and M^r
John Bathurst two members for Kent County being sick were
excused from Attendance as was also Capt. John Franklin a
Member for Somerset County by Reason of Sickness.

Committee for Election and Privileges appointed by the
House and Col^o Walter Smith, Capt Richard Jones, Capt John

L. H. J. Mackall, Capt John West and M^r Robert Ungle who are ordered to withdraw thereon.

Resolved That the House meet every Day at ten O'Clock in the Morning and continue sitting till four in the Afternoon.

Resolved That M^r Speaker with two and Twenty Members be a sufficient Number to make a House to proceed on Business

Ordered That M^r Whittington and M^r Covington go with M^r Philips, M^r Colegate and M^r Paca to his Excellency and Council to see them sworn They return and say they saw them sworn. M^r Mackall from the Committee of Election and Privileges enter the House and acquaint M^r Speaker that the Committee desire S^t Mary's County Members may attend the Committee and they were ordered to attend accordingly.

The Honble Col^o Holland and Philip Lynes Esq enter the House and deliver M^r Speaker several Papers relating to S^r Thomas Lawrence's Complaint about Ordinary Licenses and her Majesty's Disassent to the Act for ascertaining the Gauge of Tobacco Hogsheads and the Act to prevent the Cropping Cutting and defacing Tobacco taken on Board Ships and Vessels on Freight with a Paragraph taken out of his Excellency's Instructions relating to S^r Thomas Lawrence's Complaint about the Ordinary Licenses. Which being read

Resolved That it be referred for Consideration in a full House

Resolved M^r Thomas Jones continue Clerk assistant to the Clerk of this House as formerly

The House adjourned till One O'Clock in the Afternoon

Tuesday Afternoon The House met according to Adjournment being called over were present as in the Morning.

Former Rules of this House transcribed and set up and Resolved that they be the Rules and Orders of this House during this Session & to be observed accordingly Committee of Election and Privileges enter the House and report to the House that the several Members returned for the Several Counties are duly Elected but whether Col^o Cooe a Member returned for Saint Mary's County be qualified to sit as a member in this House he having been in the Holy Orders the Committee refers to the Consideration of the House Which being debated Resolved it be referred for further Consideration to Morrow Morning.

p. 162 The same Committee report that as to the Members returned for the City of Annapolis they leave the Consideration of them to the House

Resolved That the House will consider thereof to Morrow Morning

Then the House adjourned till to Morrow Morning ten L. H. J.
O'Clock

Wednesday first December 1708

The House met according to Adjournment

Being called over were present as yesterday except M^r
Hunt who is absent

The House proceeds to examine the Report of the Committee of Elections and Privileges relating to Col^o Coode's Qualifications to sit as a member in this House and being considered and debated and Col^o Coode withdrawn put to the Question whether he be qualified or not? Carried by Majority of Votes that he is not

Ordered That M^r Thomas Truman Greenfield acquaint Col^o Coode of the said Vote and his not being admitted a Member of this House.

Ordered That M^r Speaker issue his Warrant to the Honble her Majesty's Secretary or his Deputy to issue her Majesty's Writ of Election to the Sheriff of S^t Mary's County to elect a Delegate for the said County in the Room of Col^o John Coode returnable forthwith; which warrant issued accordingly to M^r Greenfield acquaints M^r Speaker and the House That he had given Col^o Coode Notice of the Vote of this House relating to him and that Col^o Coode desired to be admitted into the House having something further to offer; which was granted and he appeared in the House and desired to be heard by his Council learned in the Law and then withdrew And the House resolved that they will not reassume their Vote nor recede therefrom

That Part of the Report of the Committee of Election and Privileges relating to the Election of the Members of the City of Annapolis referred for Consideration this Morning. Resolved That before any further Debates therein the Members returned for the City withdraw and the following Message be sent to his Excellency

By the House of Delegates first December 1708

This House humbly desire his Excellency if he hath further or other Instructions from her Majesty for the granting of Charters and erecting Cities in this Province than what is expressed in his Commission recorded in the Secretary's Office to communicate the same to this House

Signed p Order
Rich^d Dallam Cl. Ho. Del.

L. H. J. Sent up to his Excellency and Council by M^r Worthington, M^r Hemsley M^r Robins and M^r Covington. They return and say they delivered their Message.

Major General Lloyd and Col^o William Holland from his Excellency and Council enter the House and deliver M^r Speaker the following Message.

By his Excellency the Governor and Council in Assembly
December the first 1708

p. 163 Gentlemen, Your Message by M^r Worthington and three other of your Members being read at the Board his Excellency is pleased to declare he is well satisfied he has ample Authority from her Majesty to erect Cities and Buroughs as well as Castles and Forts and that the first are to be erected by Privileges & Grants from the Crown neither are Buroughs seldom or ever walled or fortified. That what he has been pleased to do in Favour of this Place being the Seat of Government was with a true Regard to the Interest and Honour of this Province and is not to be questioned by your House being her Majesty's Prerogative but if he has made any irregular Step he is answerable to our Sovereign only wherefore we wish you not further to insist thereon to the Delay of other Business of more Importance it being no Dishonour for Men of Reason to give up a groundless Opinion on better Satisfaction for since it's plain her Majesty has impowered his Excellency to erect Cities and Burroughs, it's not Walls but incorporating makes them so.
Signed p Order W Bladen Cl. Co.

The foregoing Message being read in the House Resolved That the following Message be sent to his Excellency and Council

By the House of Delegates first December 1708

This House humbly desire a Conference with some of the Members of her Majesty's Honble Council upon the Subject of the last Message and that you please to appoint the Time and Place.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to his Excellency and Council by M^r Mackall, M^r Hill, M^r Lee, and Col^o Smith

They return and say they delivered the same.

Then was read his Excellency's Speech to this House and ordered That M^r Salter M^r Hemsley, Col^o Smith, and Captain

Jones draw up an Answer thereto and present it to the House L. H. J.
to Morrow Morning for Approbation

Major General Lloyd, Col^o Holland and Col^o Coursey from
his Excellency & Council enter the House and deliver M^r
Speaker the following Message.

By his Excellency the Governor and Council in Assembly
December the first 1708

Four of the Members of this Board are ready to join in the
Conference proposed immediately at M^r Freeman's

Signed p Order W Bladen Cl. Co.

Then the House appointed Col^o Charles Greenberry, Capt.
John Mackall, M^r Robert Skinner, M^r Daniel Mariarte, Major
George Gale, M^r Samuel Worthington, Col^o Nicholas Lowe,
and M^r Robert Ungle Members of this House to join in Con-
ference with the Members of her Majesty's Honble Council
relating to the Privileges granted by Charter to the City of
Annapolis and were ordered to withdraw accordingly. Then
the House adjourned till to Morrow Morning ten O'Clock

Thursday 2nd December 1708

The House met according to Adjournment Being called
over were present as yesterday except Col^o Cooode, Wornell
Hunt Esq^r & Tho^s Bordley Esq^r Col^o James Maxwell a Mem-
ber returned for Baltimore County enters the House and M^r
Covington and M^r Crabb, sent up to his Excellency and Coun-
cil to see him sworn

They return and say they saw him sworn.

The Gentlemen of the Conference enter the House and p. 164
report how far they had proceeded in the Business and desired
Leave to sit again which was granted and they were ordered
to go out thereon

Col^o Smith and the Gentlemen appointed to prepare an Ad-
dress in Answer to his Excellency's Speech enter the House
and present the same to M^r Speaker which being read and
approved ordered that it be sent to his Excellency and Council
as follows

By the House of Delegates 2nd December 1708

May it please your Excellency,

This House hath considered your Excys Speech to us at the
Opening this Session and return your Excellency our hearty

L. H. J. Thanks for your good Government and noble Endeavours to serve this Province as well for her Majesty's Service as for the Welfare of the same and doubt not your Excellency's Sincerity therein We assure your Excellency that this House will endeavour the same and if we find any evil minded or malicious Members amongst us we are and shall be always ready to detect and censure them as being not Persons fitted with Qualifications to sit among us.

We are heartily sorry your Excellency should be informed or apprehend that any Person the last Meeting appeared in this House to debauch any of her Majesty's well meaning Subjects or to raise any Animosities or unnecessary Heats; if any such we are altogether unsensible of them, but if any private or particular Person should be tardy in such Matters this House do assure your Excellency that they will use their utmost Endeavours to prevent them.

And as to those Paragraphs of your Excellency's Speech relating to the Publick Interest this House unanimously agree to concur with you in what good Laws are recommended for the Good and Benefit of her Majesty's Subjects here, and all other Things by your Excellency recommended we will take into Consideration and debate and will consent to any Thing further, that in our Judgment shall be for her Majesty's Honour and Service and for the Good of her Subjects here

Your Excellency's good Government over us we acknowledge discreet as well for her Majesty's Service as the Good of this Province and having found ourselves easy under the same do wish your Excellency Health and Happiness and pray that you may long continue in her Majesty's Favour.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to his Excellency by M^r Salter, Col^o Smith, Capt. Jones, M^r Hemsley, M^r Worthington, M^r Dare, M^r Lee, Cap^t Crabb, M^r Pearce, M^r Wilkinson, M^r Colegate and M^r Tyler.

They return and say they delivered their Message. Ordered
p. 165 That Col^o Walter Smith, M^r John Whittington and M^r Robert Tyler be a Committee of Aggrievances and that they report the same to the House.

Ordered That M^r James Philips, M^r Joseph Hill, and M^r John Bradford be Committee to examine, state and settle the publick Accounts of the Province

Col^o Charles Greenberry, Col^o Nicholas Lowe, Capt. John West, Major Geo. Gale, M^r Robert Skinner and M^r Samuel Worthington be and are by the House appointed a Committee of Laws.

The Gentlemen of the Conference enter the House and deliver M^r Speaker the following Report. To his Excellency the Governor, Honble Council and House of Delegates.

By the Conference appointed for enquiring into the Charter of the City of Annapolis and the Liberties and Privileges thereby granted held at the House of Major John Freeman December 2nd 1708. The Conference being met pursuant to the Message from his Excellency and Council proceed to examine the Matter contained in the Charter and on Debate thereof it's humbly conceived as the best Expedient to prevent further Disputes on that Subject for it to be established and confirmed by an Act of Assembly for that Purpose to be made allowing the said Citizens & the Liberties and Privileges given and mentioned in the said Charter so far that it may no wise infringe the Liberties & Privileges of the Public either in Regard to publick Lands or Buildings by them heretofore purchased and to which they are lawfully and rightfully entituled and desire the same may be reserved and continued for the same Ends and Purposes they were purchased and designed and have heretofore been held and enjoyed and not otherwise and that the Justices and Commissioners of Ann Arundel County may continue to hold their Courts in the Stadt House as usual.

It is further reported by the Conferrees that a Clause be inserted in such Law to be made that the Representatives for the said City have half the usual Allowance of the Delegates of each County and no more.

As to that Part of the Charter relating to the Recorder this Conference humbly conceive the Person appointed thereupon as Recorder is not qualified by Law for that Office in Regard he is exempt by Law as not having been a Resident here for three years

It is likewise proposed that the Justices of the County Courts &^{ts} may enjoy & continue their usual Liberties of executing their Office of Justices of Peace within the said City of Annapolis in as full and ample Manner as heretofore and that all Bye Laws which shall hereafter be made by the Mayor Recorder and Aldermen &^{ts} be not any Ways binding to any other Inhabitants of the Province save only in Relation to the Citizens of Annapolis.

As to that Part of the Charter relating to the Toll these Conferrees think the Toll too unreasonable and excessive for it is considered that if a thousand Pounds be imported here that extravagant Toll there mentioned may amount to one hundred Pounds and it's thought more to the Benefit of the City there be no Toll mentioned. All which is humbly offered and recommended to your Excy and Council and House of Delegates.

Signed p Order Tho^s Jones Clerk Con^l

The above Report being read and considered ordered it be indorsed as follow

L. H. J. By the House of Delegates 2nd December 1708

The above Report being read the House concurs therewith and are willing the Petitioners for the Charter bring in a Bill according to the Report to which this House desire the Concurrence of his Excellency and her Majesty's Honble Council.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent to his Excellency and Council by the Gentlemen that were on the Conference. They return and say they delivered the same.

Major General Lloyd, Col^o William Holland, Col^o William Coursey, Tho^s Greenfield, Samuel Young and Philip Lynes Esq^r Members of her Majesty's Honble Council enter the House and deliver M^r Speaker the following Paper from his Excellency the Governor.

December 2nd 1708

Gentlemen,

I have with very great Satisfaction received your Answer by Col^o Smith and the other Members to what I offered you at your first Meeting and assure you I shall always be glad to serve the Province in General and every worthy Member in particular

John Seymour.

The Honble Major General Lloyd, Col^o William Holland, Col^o W^m Coursey and Philip Lynes Esq^r enter the House and deliver M^r Speaker the Report of the Conferrees indorsed as follows

By his Excellency the Governor & Council in Assembly
December 2nd 1708

This Board on Consideration of the above Report made by the Conferrees do assent thereto, and are willing a Bill be brought in as proposed wherein may be a Clause inserted (if the House think fit) to qualify the Recorder he being a Person very fit for that Station.

Signed p Order W Bladen Cl. Co.

Which being read ordered it be indorsed as follow

By the House of Delegates 2nd Decem^r 1708.

The House are willing to qualify the Recorder as above

Signed p Order
Rich^d Dallam Cl. Ho. Del.

Then was prepared the following Message and sent to his Excellency and Council by M^r Philips and Capt Crabb.

L. H. J.
p. 167

By the House of Delegates 2nd December 1708.

This House return your Excellency Thanks for the Satisfaction you exprest to have received by our Answer to your Excellency's Speech and are desirous to have the Speech printed if your Excellency thinks fit
Signed p Order
Rich^d Dallam Cl. Ho. Del.

They return and say they delivered their Message.

The Honble Col^o Coursey enters the House & delivers M^r Speaker the following Message.

By his Excellency the Governor and Council in Assembly
the second of December 1708

Gentlemen, His Excellency will give Directions that both his Speech and your Answer thereto be forthwith printed for the better Satisfaction of the good People of this Province
Signed p Order W Bladen Cl. Co.

Moved That the House may take into Consideration Sir Thomas Lawrence's Complaint about the Ordinary Licenses
Resolved That before the House enter into Debate thereof the following Message be sent to his Excellency and Council

By the House of Delegates 2nd December 1708

This House humbly pray a Conference with some of the Members of her Majesty's Honble Council on the Subject of Sir Thomas Lawrence's Complaint and about the Gauge of Tobacco Hogsheads, Masters of Ships cropping Tob^o and Divulgers of false News at such Place and Time as your Excellency and Council please to appoint.
Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to his Excellency and Council by Col^o Greenberry, Col^o Maxwell, M^r Mackall M^r Guibert. They return and say they delivered their Message.

The House adjourned till to Morrow Morning ten O'Clock

Friday the 3^d of December 1708.

The House met according to Adjournment. Being called over were present as yesterday. Then was read what was done yesterday.

L. H. J. Benjamine Duffour's Petition praying to be naturalized read with the Indorsm^t thereon and Certificate of his having taken the Oaths of Allegiance &^{ta} Read & referred to the Committee of Laws to prepare a Bill for that Purpose.

Read the Petition of James Heath on Behalf of the Inhabitants of Cecil County praying a Town may be erected at Bohemian Landing and referred till the next Session of Assembly.

p. 168 The Honble Major General Lloyd, Col^o William Holland, William Coursey and Philip Lynes Esq^{rs} from the Council enters the House and deliver M^r Speaker the following Message Viz'

By his Excellency the Governor and Council in Assembly
December the 2^d 1708

In Answer to your House's Request his Excellency has appointed four of the Members of this Board to join the Conferees from your House immediately at M^r Freeman's on the Subject Matter proposed.

Signed p Order W Bladen Cl. Co.

The Petition of Benjamin and Joseph Harris being read with the Bill thereto annexed and Indorsment is referred to the Committee of Laws for Consideration.

The Gentlemen appointed by the House to go on the Conference are Col^o Lowe, Major Gale, M^r Robert Tyler, M^r Robert Skinner, M^r Solomon Wright, M^r Daniel Dare and M^r John Salter, who are ordered to withdraw thereon.

The Petition of the Inhabitants of Somerset County by the Members of the Council in the last Message relating to the Conference brought into the House being read is granted and ordered a Bill be prepared for erecting a Town on the Sea Board Side in Sinnipuxon Neck as prayed

Ordered That M^r Robert Ungle be added to the Committee of Accounts

Ordered likewise That Captain Bradford acquaint M^r Hunt and M^r Bordley that this House do not admit them as Members till the Bill be past

He returns and says he delivered his Message

The Petition of Tobias and John Pollard with the Indorsment thereon being read is referred to the Committee of Laws for their Consideration Moved on Behalf of M^r Henry Nicholls Minister of Saint Michael's Parish in Talbot County that he was formerly an Inhabitant of Pennsylvania & imported himself and Family and two Negroes into this Province who live with him for which the Naval Officer demands twenty Shillings p Poll.

Resolved it ought not to be paid by him in Regard the L. H. J. Negroes lived with him in Pensylvania and not imported here for Sale.

William Bennett's Petition as one of the Guards &^{ta} praying Allowance for his Services and Attendance is referred to the Committee of Accounts for Allowance George Ferguson and Sarah Philips Petition read and referred to a Committee of Laws

The Petition of John Nicholls read and referred to the Committee of Laws

Resolved a Bill be brought in to make foreign Coins Current here according to her Majesty's Royal Proclamation and Act of Parliament and that the Committee of Laws prepare a Bill for that Purpose

Then was taken into Consideration that Part of his Excellency's Speech relating to Itinerant Justices and the following Message prepared to be sent to his Excy and Council thereupon.

By the House of Delegates December 3^d 1708.

May it please your Excy,

This House having under Consideration that Part of your Excellency's Speech relating to Itinerant Judges do find some Difficulties relating to the Charges that will accrue thereby which they cannot well calculate therefore humbly desire that your Excellency would please to order a Scheme of the Charge may be drawn up and laid before this House for their Inspection.

Signed p Orden Rich^d Dallam Cl. Ho. Del.

Sent up to his Excellency and Council by M^r Mackall, M^r Whittington, Col^o Maxwell and Captain Crabb. They return and say they delivered their Message

The Gentlemen of the Conference enter the House and deliver their Report which was here read and agreed to and sent up to the Council.

Major General Lloyd, Col^o Holland and Col^o Coursey from the Honble Council enter the House and delivers M^r Speaker the Report of the Conference relating to Sir Thomas Lawrence Complaints touching Ordinary Licenses Masters of Ships Cropping Tobacco, Gauge of Tobacco Hogsheads, & Divulgers of false News with the Houses Message and Council's Answer to the Message thereon which follows Viz^t

December 3^d 1708.

In Relation to the Gauge of Tobacco Hogsheads first that her Majesty be addressed that the former Gauge be continued

L. H. J. for that the Tobacco in Virginia being thick and waxy they can pack three or four hundred Pounds of Tobacco in Cask of their Size more than we can in Cask of our Size our Tobacco being thin and chaffy and that till her Majesty's Pleasure be known therein our Gauge be forty Eight Inches the Length of the [stave] and Diameter of the Heading be thirty Inches not exceeding thirty two Inches and that a Forfeiture of five hundred Pounds of Tobacco for each Cask exceeding the Gauge be imposed upon every Person or Cooper make a setting up any other Cask. And that if any Master Mate or Person belonging to any Ship or Vessell shall crop, squeeze or deface any Tobacco shipped on Freight the Master forfeit and pay five hundred Pounds of Tobacco so cropt squeezed or defaced and in Case any Hogshead exceeding the said Gauge shall happen to be taken on Board by any Master undiscovered at the Time of taking the same it may be lawful for such Master to put such Tobacco on Shore there to lie at the Owner's Risque.

Secondly As to that Part of his Excellency's Speech relating
 p. 170 to the Divulgers of false News it is the Opinion of the Conferees it's unanimously agreed by the Conferees that the Justices of the several Counties have Authority to bind such Persons over to their next Court who have Power to punish them as Disturbers of the Peace and that they cannot find any Way to make a Law to restrain such Reports but will expose innocent Persons to the Malice of Informers

As to that Part of Sir Thomas Lawrence's Complaint touching Ordinary Licenses It is the Opinion of the Conferees that Sir Thomas Lawrence has no Right to the Fine on Ordinary Licenses and that a full Answer be drawn to his Complaint and sent to her Majesty for her better Information and that it be therein mentioned that the Fees of the Secretary's Office is vastly increased of late through the Multitude of Business therein, and that by Means of the late war the Product of this Province is become of so little Value that the Ordinary Licenses Money be continued to her Majesty a Help to defray the Charge of the several Counties of this Province as by the former Act of Assembly.

Signed p Order Thomas Jones Cl Coms^r

By the House of Delegates December 3^d 1708 .

The above Report being read and considered the House unanimously concur therewith and humbly desire your Excellency will please to consent that the several Bills therein mentioned may be brought in and revived

Signed p Order Rich^d Dallam Cl. Ho. Del.

By the Council in Assembly 3^d December 1708.

L. H. J.

The Report from the Conference being read at the Board we join with the House that her Majesty be addressed as proposed and that till her Pleasure be known an Ordinance of Assembly be made to ascertain the Gauge of Tobacco Casks, impose the Fines on the Coopers and Masters of Ships and permit the Masters to put unsizeable Hogsheds on Shore but cannot agree to an Act of Assembly being contrary to her Majesty's positive Orders. And as to the Bill against Divulgers of false News we shall not further insist thereon at present and think it reasonable you should give your Answer to S^r Thomas Lawrence's Complaint and address her Majesty therein. But seeing her Majesty has laid her Commands on his Excellency to propose a Law to you for settling those Fines on the Secretary we cannot consent to any Law whereby they be otherwise applied till her Majesty is pleased to give Leave therefor

Signed p Order W Bladen Cl. Co.

M^r Matthew Mason's Petition to confirm a Lease made to him by Robert Smith Esq^r read and Leave given to bring in a Bill next Session of Assembly as prayed.

Major General Lloyd, Col^o William Coursey, Samuel Young p. 171 and Thomas Greenfield Esq^{re} Members of her Majesty's Honble Council enter the House and deliver M^r Speaker the Scheme or Estimate of the Charge of the late Provincial Court and Itinerant Justices as follow.

By his Excellency the Governor and Council in Assembly
3^d December 1708

Gentlemen, Pursuant to your Request his Excellency has ordered a Calculation to be made of the Charge of the late Provincial Court which is a followeth Viz^t

To 13 Provincial Justices at 140 ^{lb} Tob ^o p Diem	} lb Tob ^o
24 Court Days being two Courts in a Year.	
To six Boats for the Eastern Shore Justices	} 43.768
2 Courts	
To the Itinerant Charges of 13 Justices 6 Days	} 8.400
each Court going and coming Viz. 124 at 80	
p Diem	
Two Grand Juries.	25.740
	6.000
	<hr/> 83.908

And inasmuch as the new Method of holding the Provincial Courts and the Judges going the Circuits is known to be of

L. H. J. great Ease and Advantage to her Majesty's Subjects in this Province as well Suitors, Jurors and Evidences it is thought 25.000 lb Tob^o will be an handsome Support for each Judge to undertake the Service as well as discharge his Expences therein and his Excellency being willing while he stays to allow towards it 5000 lb Tobacco Annually out of his Fees of the Great Seal besides the unnecessary Charge to the Sheriffs for publick Packets of lb 11.500 and the Yearly Rent of an Arms House which may be saved by their being better secured in one of the Upper Rooms of the Court House 2000 besides the Charge of Ferriages on the Western Shore for the Justices and their Servants will be more than Sufficient.

Signed p Order W Bladen Cl. Co.

Which being read Ordered it lye on the Clerk's Table, for the Members Perusal till Monday Morning next

The House adjourned till to Morrow Morning ten O'Clock

Saturday 4th December 1708

The House met according to Adjournment Being called over were present as yesterday

Then was read what was done yesterday.

Moved that Col^o Walter Smith, M^r Philip Lee, and M Richard Colegate have Leave to go Home till Monday which was granted

The Honble Col^o Greenfield and Philip Lynes Esq^r enter the House and deliver M^r Speaker the following Petition.

p. 172 The Petition of Alexander Frazer and Sarah his Wife on Behalf of Christian Sterling a Minor Daughter of Thomas Sterling late of Calvert County deceased praying Leave to bring in a Bill to sell certain Lands the Estate of the said Christian for the Redemption of a Mortgage for the Benefit of the said Orphan

Indorsed, By his Excellency the Governor and Council in Assembly Dec. 3^d 1708.

The within Petition read and recommended to the House of Delegates to permit a Bill be brought in and that good honest Men be empowered to sell the Land and discharge the Mortgage.

Signed p Order W Bladen Cl. Co.

Which Petition being read in the House was granted and ordered to be indorsed as follows.

By the House of Delegates 4th December 1708.

L. H. J.

The Petition read and Leave given to bring in a Bill as prayed and ordered that Col^o William Holland, M^r Charles Carroll, Richard Dallam, and M^r John Mackall be Trustees on Behalf of the Orphan

Signed p Order Rich^d Dallam Cl. Ho. Del.

The Petition of John Richard and Jacob Stallings praying Liberty to sell Land for Payment of the Debts of the said John as also the Petition of Mary the Wife of the said John Stallings Indorsed By his Excellency the Governor and Council in Assembly December 3^d 1708.

These Petitions recommended to the House of Delegates
W Bladen Cl. Co.

Which Petitions being read in the House were referred for Consideration on Monday Morning next.

The Petition of Justus Englehard Kitchin a German praying to be naturalized indorsed

By his Excellency the Governor and Council in Assembly

This Petition recommended to the House of Delegates to give Leave to bring in a Bill as prayed for the Petitioner's Naturalization

Signed p Order W Bladen Cl. Co.

Which being read in the House ordered it be indorsed as follows

By the House of Delegates 4th December 1708

The Petition read & granted and ordered the Committee of Laws prepare a Bill as prayed.

Signed p Order Rich^d Dallam Cl. Ho. Del.

The Petition of John Hyde and Sarah Gandy praying Leave to bring in a Bill to confirm certain Deeds made to and from the said John Gandy indorsed as follows By his Excellency the Governor and Council in Assembly December 3^d 1708 This Petition being read the Board recommend it to the House of Delegates upon Satisfaction given them to give Leave a Bill may be brought in to relieve the Petitioners.

Signed p Order W Bladen Cl. Co.

Which being read in the House ordered it be indorsed

L. H. J. By the House of Delegates December 4th 1708

The within Petition read and granted the Petitioners giving Satisfaction to the Committee of Laws.

Signed p Order Richard Dallam Cl. Ho. Del.

The Petition of George Parker Executor of Gabriel Parrott praying Leave to bring in a Bill to confirm the Title of a Piece of Land sold to the said Parrott by one George Burgess deceased. Indorsed

By the Governor and Council in Assembly December 3^d 1708.

The Petition thought reasonable and recommended to the House of Delegates to give Leave a Bill be brought in as prayed.

Signed p Order W Bladen Cl. Co.

Which Petition being read ordered to be indorsed

By the House of Delegates December 4th 1708.

The Petition read and referred to next Session of Assembly and that Lewis Duvall and the Heir of Burgess then appear &^{ta}

Signed p Order Rich^d Dallam Cl. Ho. Del.

The Petition of the Inhabitants of Saint Mary's County praying a Town may be erected at a Place called Briton's Bay on the Land commonly called Shepherd's Old Fields and that their County Court House might be there built and settled &^{ta} being read was indorsed as follows

By his Excellency the Governor and Council in Assembly
December 3^d 1708.

This Petition read and recommended to the House of Delegates that a Town may be made at Shepherd's Old Fields in Saint Mary's County which is thought the most convenient Place for the said Court House.

Signed p Order W Bladen Cl. Co.

The foregoing Petition being read ordered it be indorsed as followeth

By the House of Delegates December 4th 1708.

The within Petition read and granted and ordered the Committee of Laws prepare a Bill as prayed.

Signed p Order Rich^d Dallam Cl. Ho. Del.

The Petition of several Inhabitants of Dorchester County L. H. J. Queen Ann's County & Talbot County praying a Town might be erected at a Place called Tuckahoe Indorsed

By his Excellency the Governor and Council in Assembly
Dec^r the 3^d 1708.

This Petition is recommended to the Consideration of the House of Delegates

Signed p Order W Bladen Cl. Co.

Which being read in the House was granted and referred to the Committee of Laws to prepare a Bill.

Signed p Order Rich^d Dallam Cl. Ho. Del.

The Petition of Richard Acton praying to be reinvested in a Tract of Land lying near Annapolis formerly by Order of the General Assembly laid out for a Town Common for Annapolis indorsed as followeth December 3^d 1708

This Petition referred to the House of Delegates

Signed p Order W Bladen Cl. Co.

Which Petition being read in the House is referred for P. 174 Consideration till Monday Morning.

The House adjourned till ten O'Clock Monday Morning

Monday 6th December 1708.

The House met according to Adjournment. Being called over were present as on Saturday. Read what was done on Saturday.

The Matter relating to Itinerant Justices being debated put to the Question whether the whole Matter be referred till next Sessions of Assembly? Carryed in the Affirmative Nemine contradicente and Resolved the following Message be sent to his Excellency and Council.

By the House of Delegates Dec^r 6th 1708

The Proposition about Itinerant Justices laid before this House by your Excy & Council being considered by this House we humbly beg Leave to acquaint your Excellency that we having a great many of our Members wanting the Season of the Year and the Time that it will take to consider of so weighty a Matter do pray that it may be referred to the next Session of Assembly

Signed p Order Rich^d Dallam Cl. Ho. Del.

L. H. J. Sent up to his Excellency and Council by M^r Worthington M^r Philips M^r Skinner and M^r Jowles They return and say they delivered their Message.

The Honble Samuel Young and Thomas Greenfield Esq^{rs} from the Council enter the House and deliver M^r Speaker the following Message.

By his Excellency the Governor and Council in Assembly

This Board being informed that the Suitors of Provincial Court inhabiting on the Eastern Shore are under many Difficulties for want of Attorneys on that side the Bay to manage prosecute and defend their Causes from the Beginning to the End his Excellency and this Board will give Directions to the Judges to swear and admit the Attorneys of the County Courts on that Side the Bay and now licensed by his Excellency and this Board to be Attorneys of the Provincial Courts and therein to practice as fully and amply as any other the Attorneys of the said Court
Signed p Order W Bladen Cl. Co.

All Committees ordered to go out on their Business and they withdrew accordingly.

The Complaint of Sir Thomas Lawrence relating to Ordinary Licenses considered and debated and an Ordinance for continuing the Fines for the same being read

Resolved That her Majesty be addressed concerning the same and that the Committee of Laws prepare an address and lay the same before the House for Consideration.

Ordered the following be sent to his Excellency and Council.

By the House of Delegates December 6th 1708

P. 175 Whereas your Excellency has been pleased to lay before this House an order of her Majesty and Council relating to Sir Thomas Lawrence's Complaint that the Fines for Ordinary Licenses are a Perquisite belonging the Secretarys and have been detained from him this House humbly prays that they may have Leave to address her Majesty and lay the true State of the Case before her and are of Opinion that till her Majesty's Pleasure be known Ordinarys may be regulated by the Justices in the several Counties according to the Laws in England. And after her Majesty's Pleasure is known such Law or Laws may be enacted as are consonant thereto.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to his Excellency and Council by M^r Wilkinson, Capt Jones, M^r Lee and M^r Covington. They return and say

they delivered their Message. Then was sent to the Committee of Laws the Petition of Justus Engleheard Kitchin, the Petition of John Hyde and Sarah Gandy, Tackahoe Petition, Somerset County Petition and several Papers relating to Sir Thomas Lawrence. Tee Honble W^m. Coursey and Philip Lynes Esq^r from the Council enter the House and deliver M^r Speaker the following Message

By his Excellency the Governor and Council in Assembly
December 6th 1708

His Excellency and this Board having considered the House's Reason for referring the Settlement of Itinerant Justices to the next Sessions are well satisfied therewith.

Signed p Order W Bladen Cl. Co

Read the Petition of James Roberts of Calvert County praying to be naturalized which was granted and Leave given to bring in a Bill as prayed The Honble Col^o William Coursey, Thomas Greenfield and Philip Lynes Esq^rs enter the House and deliver M^r Speaker the Petition of Madam Mary Contee praying Leave to bring in a Bill to make valid the last Will and Testament of her late Husband, John Contee Esq. deceased with several Depositions proving the same to be his Will being read Leave is given to bring in a Bill as prayed.

The Honble Samuel Young Esq^r enters the House and delivers M^r Speaker a Deposition of Nathaniel Smith with the following Message

By his Excellency the Governor and Council in Assembly
December 6th 1708

M^r Samuel Young the publick Treasurer of the Western Shore having informed his Excellency of a short Entry made at Patuxent of Negroes imported in the Dolphin Roger Carnaby Commander Anno 1704 upon M^r Nathaniel Smith's Examination it appears thirty five Negroes were held back and concealed for which Satisfaction ought to be made M^r William Lane one of the Importers having Effects now in the Country on which Occasion we desire the House's Advice and Direction.

Signed p Order W Bladen Cl. Co.

The Honble Major General Lloyd and Col^o Coursey from the Council enter the House and deliver M^r Speaker the

L. H. J. Petition of several of the Inhabitants of Talbot County for Removal of the Court House from Oxford to Betty's Cove Indorsed

By his Excy the Gov^r & Council in Assembly
December 6th 1708

The within Petition thought very reasonable and recommended to the House of Delegates and that Major General Lloyd and Col^o Coursey may be heard thereto

Signed p Order W Bladen Cl. Co.

The foregoing Petition being read ordered it be refered till to Morrow for Consideration.

M^r Skinner from the Committee of Laws enters the House and delivers M^r Speaker some private Bills by them prepared.

M^r Joseph Hill from the Committee of Accounts enters the House and acquaint M^r Speaker that William Bennet who petitions for Allowance as one of the Guards was employed by Major Wilson late Sheriff of Ann Arundel County to guard the Prison and that the Committee desired the Direction of the House whether he ought to be paid by the Public? Ordered he carry back the Petition to the Committee and have their Reason for Allowance indorsed thereon

He also produced M^r Evan Jone's Account for looking after publick Buildings which is referred till to Morrow Morning till the Ordinance for his Salary be seen

Ordered That all Committees be called in.

They appeared in the House

Bill for Naturalization of Benjamin Duffour, Justus Englehard Kitchin and James Roberts Read the first and second Times and by special Order do pass

Signed p Order Rich^d Dallam Cl. Ho. Del.

Bill impowering Trustees to sell Land for the Benefit of Joseph and Benjamin Harris Read the first and second Times and by especial Order do pass

Signed p Order Rich^d Dallam Cl. Ho. Del.

The two foregoing Bills sent up to his Excellency and Council by M^r Wilkinson Capt. Jones, M^r Lee, and M^r Covington. The return and say the delivered the Bills

Bill impowering several Trustees to sell Land, late the Estate and Inheritance of Thomas Sterling for Redemption of a Mortgage made by Thomas Sterling for the Benefit of Christian Sterling, a Minor. Read the first Time and ordered to be read again to Morrow Morning

Col^o Contee's Will and several Depositions relating thereto ^{L. H. J.} with William Bennett's Petition for Allowance as one of the ^{p. 177} Guards sent up to his Excellency and Council by M^r Salter, M^r Hemsley, M^r Mariartee, and M^r Robins. They return and say they delivered the same. The House adjourns till to Morrow Morning ten O'Clock.

Tuesday December 7th 1708

The House met according to Adjournment; and being called over were present as yesterday. Then read what was done yesterday.

The Ordinance for appointing Evan Jones to look after the publick Buildings Read and Resolved That the Committee of Accounts allow him ten Pounds for the last Years Salary according to the Agreement and that he continue no longer in that Station.

The Message from the Council yesterday by Samuel Young Esq^r relating to the short Entry of 35 Negroes in the Dolphin Roger Carnaby Commander Anno 1704 Read and debated and the following Message ordered to be prepared

By the House of Delegates December 7th 1708

In answer to the Message by Samuel Young Esq^r relating to the short Entry of 35 Negroes in Carnaby Anno 1704 this House are of Opinion that her Majesty's Attorney General bring an Action against the said Carnaby and his Security on his Bond for not making a due Entry: And if no such Bond, the Naval Officer ought to be accountable.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up by M^r Wilkinson and M^r Bradford to the Council They return and say they delivered the same.

The Honourable Col^o William Holland and Philip Lynes Esq^r from the Council enter the House and deliver M^r Speaker the three following Bills Viz.

Bill enabling Trustees to sell Land for the Benefit of Joseph & Benj^a Harris

Bill for Naturalization of Benjamin Duffour, Justis Englehard Kitchen and James Roberts.

Bill for confirming and making valid the last Will and Testament of Col^o John Contee deceased.

All severally indorsed to be read in the Council & wo^d pass.

The Honble Samuel Young Esq^r from the Council enters the House and delivers M^r Speaker William Bennett's Petition

L. H. J. certifying that he was employed as one of the Guards, which was referred to the Committee of Accounts for Allowance

Levin Denwoods Petition praying Liberty to export Furs without paying the Duties in the Lieu of Furs shipped in the Panther Tho^s [Cleeves] Commander who foundered at Sea being read and debated.

Put to the Question whether he have Liberty or not?

Carried by Majority of Votes, in the Negative

p. 178 The Petition of Thomas Ottaway brought from the Council by Samuel Young Esq^r Read praying Allowance for the Loss of his Thumb being one of the Guards Ordered the Committee of Accounts allow him two thousand Pounds of Tobacco this Levy.

Samuel Young Esq^r from the Council enters the House and deliver M^r Speaker Samuel Mecko's Petition setting forth he was one of the Guard and lost his Eye-Sight by Attendance in the Night

Ordered That the Committee of Accounts allow him two thousand Pounds of Tobacco this Levy.

Major John Freeman's Petition Read and Rejected

Ordered That Summons issue for Daniel Sherwood Sheriff of Talbot County to attend this House next Session of Assembly to answer the Complaint of the Inhabitants of the said County touching his irregular Proceedings for the Election of the present Delegates for the said County

The Committee of Grievances enter the House and report as followeth

By the Committee of Grievances December 6th 1708

It is humbly offered as an Aggrievance to this Committee that whereas it is left to the Discretion of the several Courts within this Province to regulate the several Attorneys Fees practicing therein as to them seems meet which is thought of ill Consequence to the Suitors of the said Courts therefore it is humbly offered by this Committee as an Aggrievance, to the Honourable House of Delegates that the same Attorneys Fees may be regulated by an Act of Assembly as all other Officers Fees are as to the Honble House shall seem meet.

Signed p Order John Beale Clk.

Ordered the Committee of Laws prepare a Bill to regulate Attorney's Fees.

The said Committee also report as follows.

By the Committee of Grievances December 6th 1708.

L. H. J.

2^{ndly} It's humbly moved by this Committee as an Aggrievance that whereas since the making the Act of Assembly that gives 20 p Cent upon Protested Bills has been found of ill Consequence to most of the Inhabitants of this Province, that has had Occasion to draw Bills, for that most of the Merchants trading into and residing within this Province to whom such Bills is made payable, had rather receive the same back protested than paid where they know the Drawer to be solvent for ——— of the said 20 p Cent which has been great Encouragement to the said Merchants rather to deal for Money than Tobacco and the Damages of Protest being so great has occasioned the Merchants in England to send back so many protested Bills tho' at the same Time many of them had Effects in their Hands to Discharge the same. And also it has been found pernicious P. 179 by most of the Inhabitants of this Province for that the Shortness of Time for the Payment of the said Bills has occasioned the Return of many All which is humbly referred to the Consideration of the House of Delegates

Signed p Order Jn^o Beale Clk.

Which being read is by the House likewise allowed to be an Aggrievance and Ordered the Committee of Laws prepare a Bill to lessen the Damages on Protested Bills to 10 Pounds p Cent and three Shillings and six Pence Charge of Protest

3^{dly} It's humbly moved to this Committee as an Aggrievance, that whereas for some Time past the several Sheriffs within this Province has taken upon themselves to adjourn the Elections from the most usual Places that has been used for many Years past from Day to Day and from Place to Place contrary to the usual Method heretofore used which is humbly offered by this Committee as an Aggrievance to the Inhabitants of this Province therefore prays the Honble House to take it into Consideration that the same may be redressed as the Honble House as the shall seem meet

Signed p Order Jn^o Beale Clk.

Resolved likewise that it is an Aggrievance

Ordered the Law directing the Manner of electing Delegates &^{ta} be revised

4^{thly} It's humbly offered as an Aggrievance that whereas the several Practitioners in the Provincial Court has made it their Business to procure from the Clerk of the Provincial Court blank Writs to be by them filled up when see fit to the Disturbance of many of the Inhabitants of this Province and the Multiplying of Law Suits which would be prevented if they

L. H. J were filled up by the Clerks as they ought ; therefore this Committee offer the same as an Aggrievance to the Honble House of Delegates and prays the House to consider thereof.
Signed p Order Jn^o Beale Clk.

Resolved it is an Aggrievance but referred for Consideration till the next Session of Assembly

Bill empowering Trustees to sell certain Lands for Redemption of a Mortgage for the Benefit of Christian Sterling a Minor. Read the second Time & will pass.

Sent up to the Council by M^r Tyler and M^r Worthington.

They return and say they delivered the Bill.

The Petition of Talbot County Inhabitants relating to the Removal of their Court House Read. The Honble Major General Lloyd and Col^o W^m Coursey in the House informed M^r Speaker what they had to say and then with-drew and the whole Matter being debated

p 180 Resolved That the Court House continue at Oxford till next Session of Assembly and that in the Mean Time the Justices of Talbot County Court give thirty Days Notice to the Freeholders and others qualified to elect Delegates in the said County to meet at Oxford at a Day by the said Justices to be appointed to agree among themselves whether the Court House shall be continued at Oxford or removed to any other Place and where and if they cannot agree the Sheriff is hereby to take a Poll and return the same with all Proceedings therein to this House the next Session of Assembly for their Consideration. Richard Acton's Petition Read and referred till next of Assembly and Ordered That the Petitioner lay before this House the Act of Assembly, Verdict of the Jury and all Proceedings thereon with the Names of those Persons that did any Damages on the Land

Ordered That all Committees go out on their Business

Bill for confirming Col^o Contee's Will, Read the second Time & past for ingrossing.

Bill enabling Trustees to sell Lands belonging to Joseph and Benjamin Harris

Read the third Time and past for ingrossing

Bill for Naturalization of Benjamin Duffour, Justus Englehard Kitchin & James Roberts Read the third Time and past for ingrossing

All three Bills sent to the Committee of Laws to be ingrossed

Major Gale from the Committee of Laws enters the House & delivers M^r Speaker Bill directing the Manner of Electing and Summoning Delegates &^{1a}

Bill settling the Rates of Foreign Coins in this Province

The Honble Samuel Young Esq^r from the Council enters L. H. J.
the House and informs M^r Speaker that her Majesty's Honble
Council desired some of the Members of this House might
be sent to see M^r William Bladen sworn to his Naval Officers
Accounts

Ordered M^r William Wilkinson and M^r Guibert go to the
Council to see him sworn thereto

The return and say they saw him sworn to the same.

Ordered That all Committees be called into the House who
appeared accordingly

The Honble Col^o William Holland enters the House and
delivers M^r Speaker Bill empowering Trustees to sell Land for
Redemption of a Mortgage for the Benefit of Christian Ster-
ling a Minor Indorsed By the Council in Assembly, Read in
Council the first and second Times and will pass with this
Amendment That the Back Lands be expressly named Viz^t
Sterling Nest

Signed p Order W Bladen Cl. Co.

The said Bill read again in the House with the Amendment
proposed and past for ingrossing

Signed p Order Rich^d Dallam Cl. Ho. Del.

Bill directing the Manner of Electing and summoning Dele-
gates Read the first Time and committed for Amendment

Bill settling the Rate of foreign Coins, Read the first Time p. 181
and ordered a second Reading to Morrow Morning.

Ordered That during this present Session Bills be read two
Days together without intermitting a Day between each
Reading according to the Rules of the House Several Peti-
tions of poor Prisoners Read praying the House to consider
of some Way to relieve them. And Ordered That M^r John
Salter Cap^t John Mackall M^r Philemon Hemsley and M^r
Colegate be a Committee to draw up a Bill for Relief of poor
Debtors and lay the same before this House for Consideration

The House adjourned till to Morrow Morning ten O'Clock

Wednesday the 8th December 1708

The House met according to Adjournment. Being called
over were present as yesterday. Read what was done
Yesterday.

Ordered That the Sheriff of Kent County appear before
this House next Session of Assembly to answer a Complaint
against him touching his irregular Proceedings in electing the
present Delegates of the said County

- L. H. J. Moved by a Member that the Petition of Levin Denwood preferred to this House Yesterday might be again read and the Vote thereupon reassumed which was granted, and being debated. Ordered That the following Entry be made

By the House of Delegates December the 8th 1708

M^r Levin Denwood's Petition to this House for an Allowance for the Duty of 1310 Racoon Skins, 130 Fox Skins, 160 Mink Skins, and 19 Beaver Skins exported by him in the Ship Panther, Thomas Cleeves Commander the 6th of May 1706 Which Ship foundered at Sea, this House having considered and debated the Petition think reasonable the Petitioner should be allowed the same. And Resolved That the said Levin Denwood or any other Person for him have Liberty to ship off and export the like Quantity of Furs on any other Ship Duty free whereof the Naval and other Officers are to take Notice.

Signed p Order Rich^d Dallam Cl. Ho. Del.

The Petition of Major John Freeman praying Allowance for publick Services &^{ca}

Read and he appeared by Order of the House and being heard thereto withdrew

Resolved by the Majority of Votes That he be allowed for his Services &^{ca} and then put to the Question what he should be allowed? Carried by Majority of Votes that he be allowed twenty Pounds Sterling for all his Services and Expenses on Behalf of the Public to this Day of which the Committee of Accounts are ordered to take Notice and allow him the same.

The Honble Philip Lynes Esq^r enters the House and delivers M^r Speaker the List of Guards Names the Time they attended, and what it amounted to, which was referred to the Committee of Accounts for Allowance.

- p. 182 The Petitions of some Inhabitants of Kent County praying a Town might be erected at the Ferry near the old Court House Read and granted, and referred to the Committee of Laws to prepare a Bill.

The Honble Col^o Coursey and Philip Lynes Esq^r enter the House and deliver M^r Speaker the following Message.

By the Council in Assembly December 8th 1708.

Gentlemen, In Answer to your Message by M^r Wilkinson, Captain Jones, M^r Lee, an M^r Covington this Board think it very reasonable you address her Majesty as proposed, and are

willing the Justices of the County Courts should regulate the L. H. J. Ordinary Licenses, until her Majesty's and Attorney General Assembly of this Province shall otherwise provide therein

Signed p Order W Bladen Cl. Co.

Petition of the Inhabitants of Queen Ann's County praying Liberty to bring in a Bill for Removal of their Court House to the Town of Marlborough

Read and referred for Consideration to the next Session of Assembly.

The Honble Col^o Holland from the Council enters the House and delivers M^r Speaker John Baker's Petition as Sheriff of Calvert County praying Consideration of this House concerning the Maintenance of Debtors in Prison Which was read and referred to the Consideration of the Committee appointed to draw up a Bill for Relief of poor Debtors.

The Petition of Richard Bennett brought from the Council by Col^o Holland praying Leave to bring in a Bill to sell the Lands of John Howell Marriner to reimburse to him ten Pounds thirteen Shillings and Nine Pence overpaid in his Administration. Indorsed as follows

By the Council in Assembly December 8th 1708

This Petition with the Petitioner's Account of his Administration on John Howell's Estate referred to the Consideration of the House of Delegates to give Leave to bring in a Bill as prayed.

Signed p Order W Bladen Cl. Co.

Which being read and debated put to the Question whether the Petitioner have Leave to bring in a Bill or not? Carried by Majority of Votes in the Negative

The Petition of John Richard and Jacob Stallings again read and referred for Consideration the next Session of Assembly.

Col^o Smith from the Committee of Aggrievances reports to the House as follows

By the Committee of Aggrievances December 8th 1708.

It's humbly offered to this Committee as an Aggrievance to the Province in General that the Commissioners of Oyer and Terminer of the several County Courts being reduced of late to ten thousand Pounds of Tobacco or fifty Pounds Sterling has occasioned many Lawsuits to be brought into the Provin-

L. H. J. cial Court if enlarged would prevent and likewise be more to the Ease of the Suitors of the said Courts. All which is humbly referred by this Committee as an Aggrievance to the Honble House of Delegates and that they will address his Excellency to enlarge the said Commissions

Signed p Order John Beale Cl. Com.

p. 183 Which being read in the House is allowed and the following Address prepared thereupon Viz.

By the House of Delegates Deecember 8th 1708

May it please your Excellency. We humbly beg Leave to acquaint your Excellency that it is reported to this House as an Aggrievance that the Restitution or Limitations of the Commissioners of the County Courts not to hear, try, determine, or give Judgment in any Action for any greater Sum than ten thousand Pounds of Tobacco or fifty Pounds Sterling is the Cause of many Actions being brought to the Provincial Court which might be heard and determined in the County Courts for half the Cost and much sooner come to a Determination to the Advantage of Plaintiff and Defendant therefore humbly desire your Excellency to issue new Commissions to the several Counties empowering the Justices to hear and determine all Actions of what Nature soever excepting Titles of Land or Criminal Cases extending to Life or Member which can be no Prejudice to the Suitors as long as they have Liberty of Appeals or bringing Writs of Error

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent by M^r Mariatee, M^r Tyler, M^r Covington, M^r Pearce, M^r Crabb and M^r Lee.

The Committee of Aggrievances likewise report that the Com^{ry} General's Fees are so abbreviated by the several Clerks therein concerned that those Persons which are charged with the same cannot understand nothing by Them but just the Sum charged which gives Room to the Officers to charge ignorant People what they please. All which is humbly referred by this Committee to the Honble House of Delegates as an Aggrievance and that you will consider thereof.

Signed p Order John Beale Clk Com.

Read in the House and allowed and ordered henceforth the Clerks make out the Fees in Words at length

Bill settling the Rate of foreign Coins Read the second Time and ordered to be ingrossed

By the House of Delegates December 8th 1708

L. H. . J

Read the second Time and will pass

Signed p Order Richard Dallam Clk Ho. Del.

Sent up to the Council by M^r Greenfield and M^r Story.
They return and say they delivered the same

The Representation of John Tasker, Edward Botelar, and Richard Dallam on Behalf of the Creditors of Thomas Manning according to the Direction of a former Law, made in his Favour and to call such Persons to Account as had received any of the said Manning's Estate during his Imprisonment Read and Leave given to bring in a Bill next Session of Assembly.

M^r Lynes from the Council enters the House and delivers M^r Speaker the Bill to be allowed to be brought in to confirm the Charter of Annapolis

Ordered it lye on the Table for the Members Perusal

The Honble Philip Lynes Esq^r from the Council likewise brings into the House Bill settling the Rates of foreign Coins p. 184
&^{ta} Indorsed

By the Council in Assembly December 8th 1708

Read the first Time in Council

W Bladen Cl. Co.

Which Bill was again read in the House and ordered to be indorsed

By the House of Delegates December 8th 1708

Read the third Time & will pass with this Amendment that Dogg Dollars be Current at five Shillings

Signed p Order Richard Dallam Cl. Ho. Del.

Sent again to the Council by M^r Robins and M^r Paca

They return and say they delivered the same

The Honble Samuel Young Esq: enters the House and delivers M^r Speaker the Bill settling the Rate of foreign Coins
&^{ta} Indorsed

By the Council in Assembly December 8th 1708

The Indorsment of your House proposing that Dogg Dollars be Current at five Shillings will be flat in the Face of the Act of Parliament of England and a Snare to her Majesty's Subjects here who will be liable to the Imprisonment and Forfeiture by the said Act for receiving them at any Rate above

- L. H. J. one third of the intrinsick Value notwithstanding any Law we can make in the Province wherefore we cannot consent thereto.
Signed p Order W Bladen Cl. Co.

M^r Gale from the Committee of Laws enters the House and delivers M^r Speaker an Address to her Majesty, and a private Bill in favour of John Hyde and M^{rs} Susannah Gandy

Col^o Walter Smith from the Committee of Aggrievances enters the House and delivers M^r Speaker the following Report Viz.

By the Comm. of Aggrievances Decem^r 7th 1708.

It is humbly offered as an Aggrievance to the Province in General that by Reason of a late Proclamation issuing by the Authority of the Governor and Council whereby all the Attorneys practicing in the several Courts are debarred to plead without first obtaining a Certificate from the Governor and Council of their Allowance thereto which is contrary to the Method heretofore used within this Province and prevents the Courts to admit of any but such as has procured such Certificates as aforesaid which is a great Means to hinder them to do their Duty for fear of getting Displeasure from the Governor and Council and likewise many admitted through Favour whose Merits perhaps if left to the Discretion of the several Courts would not recommend them to such Practice. And it likewise seems a Aggrievance that any Attorney when admitted should be silenced by the said Governor and Council without legally convicted of any Crime to disable him of such Practice. All which is humbly referred by this Committee as an Aggrievance to the Honble House of Delegates, and that they will consider thereof

Signed p Order Jn^o Beale Clk.

- p. 185 Upon reading the foregoing Report in the House Resolved it's an Aggrievance and that his Excellency be addressed to restore the Power of admitting and suspending Attorneys to the Justices of the several Courts as formerly

It is further offered to the Committee as an Aggrievance That whereas several Merchants trading into this Province through Pretence of having Leave from his Excellency the Governor has kept Stores and disposed of their Commodities out of the Towns against the Form of the late Act of Assembly made to the contrary; and altho' several of them have been presented by the Grand Jurors at the Assizes for the same yet the Attorney-General of this Province, has neglected to proceed thereon which has been great Means of Discourage-

ment of many People that would proceed in building the said L. H. J. Towns whereby they have lost the Advantage of the Time given them by the said Act to build on their said Lots which cannot be recalled without the Assistance of this General Assembly. All which is humbly referred to the Consideration of the Honble House of Delegates.

Signed p Order Jn^o Beale Clk.

Upon reading the above Report it is by the House Resolved an Aggrievance and Ordered the Committee of Laws prepare a Bill to give longer Time to build in Towns &^{ta} and that his Excellency be addressed as to the Attorney General not prosecuting the Presentments found The House adjourned till to Morrow Morning ten O'Clock.

Thursday 9th December 1708

The House met according to Adjournment. Being called over were present as Yesterday. Read what was done Yesterday Bill confirming the Charter of the City of Annapolis Read the first Time and referred to the Committee of Laws for Consideration

Resolved That M^r Speaker and 18 other Members be a sufficient Number to make a House and to proceed on Business this Session several of the Members being wanting. The Committee of Laws ordered to go out on their Business

Then the Address to her Majesty was read and approved and ordered Thomas Jones make two fair Copies thereof

Bill confirming the Title of Lands to John Hyde and the Heir at Law of John Gandy. Read first and second Time and will pass.

Ordinance giving Power to the Justices of the County Courts to grant Ordinary Licences and take Security for Ordinary-Keepers keeping good Rules and Orders in their House and settling the Rates of Liquors. Read and assented to by this House and ordered to be entered at the End of this Journal

Petition of some of the Inhabitants of Baltimore County Read touching the Election of their Delegates; and in Regard they had no Cause of Complaint, the Petition rejected by the House.

Ordered That Richard Dallam Clerk of this House be allowed in Part of this Years Salary four thousand Pounds of Tobacco this present Levy to be paid in Calvert County

Then sent to the Council by M^r Robins and M^r Pearce p. 186

The Ordinance empowering the Justices of the County Courts to grant Ordinary Licenses &^{ta} and Bill confirming

L. H. J. Titles of Land to John Hyde and the Heir at Law of John Gandy with the Bill settling the Rates of foreign Coins. They return and say they delivered the same.

Major Gale from the Committee of Laws enters the House and delivers M^r Speaker Bill directing the Manner of electing and summoning Delegates and Representatives to serve in succeeding Assemblies

The Honble Col^o Holland Col^o Coursey and Philip Lynes Esq. from the Council enter the House and deliver M^r Speaker the following Message

By the Council in Assembly December 9th 1708.

Gentlemen, In Answer to your Message by M^r Mariartee M^r Tyler M^r Covington and Capt Crabb we give you to understand that his Excellency the Governor and this Board some Time since apprehending the Country very desirous to have the County Court's Jurisdiction enlarged had considered thereof & Resolved to issue new Commissions to the several County Courts for that Purpose and further we have often thought that the six County Courts in one Year are too many and that four are sufficient wherefore desire you will consider of the Times for holding the County Courts and prepare a Bill therefor which will be a great Ease to the County Levies many Courts being adjourned by the Justices on Account they suppose they shall have Courts enough to finish their Business in before the tenth Day of May appointed for Stay of Executions.

Signed p Order W Bladen Cl. Co.

Upon reading the foregoing Message from the Honble Council Resolved it be answered as follows.

By the House of Delegates December 9th 1708.

This House will give Directions that a Bill be brought in to reduce the County Courts to four in a Year Viz. March, June, August and November to which we desire the Concurrence of the Honble Council and that the Act commence in March next

Signed p Order W Bladen Cl. Co.

Sent up to the Council by M^r Tyler, M^r Robins, M^r Dare, and M^r Crabb, M^r Covington, and M^r Storey, as also the Bill directing the Manner of electing and summoning Delegates being read the first Time and ordered to be indorsed. By the House of Delegates December 9th 1708. Read the first Time

Rich^d Dallam Cl. Ho. Del.

They return and say they delivered the Message and Bill L. H. 1.

The Honble Samuel Young Esq. enters the House and delivers M^r Speaker the Ordinance empowering the Justices of the County Courts to grant Licenses to Ord^y Keepers &^{ta} Indorsed

By the Council in Assembly December 9th 1708

Her Majesty's Honble Council have read and assented hereto

Signed p Order W Bladen Clk Council

And the Bill for settling the Rates of foreign Coins &^{ta} Indorsed

By the Council in Assembly December 9th 1708

Read the first and second Time and will pass

W Bladen Cl. Co.

As also the Bill confirming the Titles of Land to John Hyde p. 187
and the Heir at Law of John Gandy Indorsed

By the Council in Assembly December 9th 1708

Read the first and second Times and will pass

W Bladen Cl Co.

Which said Bills were again read with the said Ordinance and past for ingrossing and sent to the Committee of Laws for that Purpose Ordered the Committee of Laws procure a Clerk to make twelve Copies of the said Ordinance to wit one for each County

The Honble Col^o Holland and Col^o Coursey from the Council enters the House and delivers M^r Speaker the Message appointing County Court Days. Indorsed

By the Council in Assembly December 9th 1708.

Assented to by her Majesty's Honble Council.

Signed p Order W Bladen Cl. Co.

Samuel Young Esq^r from the Council enters the House and delivers M^r Speaker a Representation of M^r William Bladen as Attorney of Col^o Nathaniel Blackiston which follow

December 9th 1708

To the Honble The General Assembly now sitting. William Bladen Attorney of the Honble Col^o Nathaniel Blackiston Agent in England for the Province humbly remonstrates that his Excellency and the Honble her Majesty's Council in April

L. H. J. 1707 recommended to the Honble House of Delegates to take Care and give Directions Col^o Blackiston's Salary for one Year due in September 1706 then last past and also for the succeeding Year 1707 should be allowed by the Committee who were appointed to apportion the Levy in October 1707 Upon which his Excellency the Governor was assured by several of the worthy Members of your House that they had taken Care and given Directions therefor but upon Inspection of Journal of the Committee it appears they made Col^o Blackiston Allowance for the Year 1707 in full and wholly omitted for the Year 1706 which I humbly pray may be allowed him and also for this Year 1708 and that Directions may be given to the publick Treasurer readily to pay the same

Your Most Obedient Humble Servant, W Bladen.

The which Representation had the following Indorsement

By the Council in Assembly December 9th 1708.

The within Representation read and recommended to the Consideration of the House of Delegates

Signed p Order W Bladen Cl. Co.

By the House of Delegates December 9th 1708

The within Representation read and referred to the Committee of the Accounts to search the Journals and report to the House whether Col^o Blackiston was allowed his Salary Anno 1706 or how that Mistake came

Signed p Order Richard Dallam Cl. Ho. Del.

By the Committee of Accounts Eodem Die We have inspected the Journals of Accounts and Levies and find no Allowance at all made for the above Service in the Year 1705 but
 p. 188 in the year 1706 we find an Allowance of one hundred and twenty Pounds which seems to be allowed for the Salary of the Year 1705 there appearing no other Allowance for that Year And also in the Year 1707 we find only an Allowance of one Year's Salary exprest in the Journal to be allowed for this present Year so that we find there is a Year's Salary due to him in Arrear besides the present Year

Signed p Order Tho. Bordley Clk Com.

By the House of Delegates December 9th 1708

Ordered Col^o Blackiston be allowed the Arrears due to him to the End of the Year 1707 and no longer

Rich^d Dallam Cl. Ho. Del.

Col^o Greenberry and Major Gale from the Committee of L. H. J. Laws enter the House and deliver Mr Speaker Bill for appointing Court Days in each respective County which was twice read and ordered to be indorsed

By the House of Delegates December 9th 1708

Read the first and second Times and by especial Order will pass
Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to his Excellency and Council by Mr Mariartee.

He returns and saith he delivered the same

Bill ascertaining Damages on Protested Bills of Exchange
Read and committed for Amendment

Bill declaring several Acts formerly made to be in force
Read the first Time

Ordered That Mr Nathaniel Dare have Leave to go Home upon extraordinary Occasion.

The House adjourned till to Morrow Morning ten O'Clock

Friday 10th December 1708

The House met according to Adjournment. Being called over were present as Yesterday except Mr Dare who had Leave to go Home.

Read what was done Yesterday.

Bill ascertaining Damages on Protested Bills of Exchange
Read with the Amendments and put to the Question from what Time the Act shall commence? Carried by Majority of Votes at the End of this Session of Assembly. The said Bill was read again with the Amendments and ordered to be indorsed

By the House of Delegates December 10th 1708

Read the first and second Times with the Amendments and by especial Order will pass
Signed p Order Rich^d Dallam Cl Ho Del.

Bill declaring several Acts formerly made to be in Force
Read and ordered to be indorsed

By the House of Delegates December 10th 1708

Read the second Time and will pass.

Signed p Order Rich^d Dallam Cl. Ho. Del.

1. 11. J. The Petition of William Foxon of Somerset County praying an Allowance for Furs shipt in the Jonathan and Mary Thomas Carpenter Commander which foundered at Sea the Duty whereof amounted to £ 6.. 16.. 6 $\frac{3}{4}$ which was granted and
 p. 189 Ordered That the have the Liberty to export the like Quantity free from Duty of which the Naval Officers are to take Notice and allow accordingly.

Col^o Smith from the Committee of Aggrievances enters the House and brings the following Report.

By the Committee of Aggrievances December 9th 1708

It's humbly offered to this Committee as an Aggrievance that the late Act of Assembly relating to Towns obliges only the Merchants and their Factors trading into this Province to keep Stores and dispose of their Commodities in Towns and not the Merchants residing within the Province that trade with their own Money which if no Exception made would appear to be more general and not as if we made Laws to serve for private Interest and more satisfactory and Encouragement to the Trading Merchants and to the Advancement of Towns All which is humbly referred by this Committee as an Aggrievance to the Honble House of Delegates and that they will consider thereof Signed p Order John Beale Clk.

Which Report being read in the House Ordered That the Committee of Laws add a Clause therefor.

By the Committee of Aggrievances December 9th 1708.

It is also offered to the Committee as an Aggrievance that since the making the Act of Assembly for the Encouragement of Tillage and Relief of poor Debtors puts great Hardship upon the Merchants residing within this Province trading with their own Money and not affecting the foreign Traders being forced to leave it to the Choice of their Debtor to take the several Commodities in the said Act mentioned in Discharge of their Debts which many Times happens the Creditor lives very remote from the Debtor and which when forced receive such Commodities it will hardly quit Costs to send for the same All which is humbly offered by this Committee as an Aggrievance to the Honble House of Delegates and that they will consider thereof. Signed p Order John Beale Clk.

Read in the House allowed and ordered a new Bill be brought in as before with this Amendment that the Debtor brings the Goods to the Town or Place where the Debt was contracted

By the Committee of Aggrievances December 9th 1708. L. H. J.

It's humbly offered to this Committee as an Aggrievance that since the making the Act of Assembly prohibiting the Importation of Bread Beer &^{ta} it's found by the Inhabitants of this Province to be very pernicious and great Discouragement to Trade All which is humbly referred by the Committee as an Aggrievance to the Honble House of Delegates and that they will consider of the said Act that the said Aggrievance may be relieved if to them seems meet

Signed p Order John Beale Clk.

Read in the House and allowed to be an Aggrievance and p. 190 ordered the Committee of Laws prepare a Bill to repeal the said Act

Col^o Holland and Col^o Coursey from the Honble Council enter the House & deliver M^r Speaker Bill confirming and explaining the Charter of the City of Annapolis Indorsed

By the Council in Assembly December 10th 1708

Read the first and second Times and will pass with the Amendments proposed

Signed p Order W Bladen Cl. Co.

And Richard Bickerdick's Petition praying some further Allowance for laying the Church with Flag Stones, which was read and ordered the Committee of Accounts allow him five Pounds more than what was paid him by Samuel Young Esq^r publick Treasurer to make the whole fifteen Pounds Sterling

Resolved that Col^o Blackiston continue no longer Agent and that his Attorney here have Notice thereof.

Ordered That all Committees withdraw on their Business.

Bill declaring several Acts formerly made to be in force Ordered to be indorsed

By the House of Delegates December 10th 1708

This House humbly desire his Excellency considering the Season of the Year and Badness of weather to let this Bill pass as proposed without making separte Bills to revive all the within mentioned Acts that will expire this Session

Signed p Order Rich^d Dallam Cl. Ho. Del.

Bill ascertaining Damages on protested Bills of Exchange sent up to the Council by M^r Mariartee and M^r Robins. They return and say they delivered the Bill

L. H. J. The Honble Samuel Young Esq^r from the Council enters the House and delivers M^r Speaker Bill appointing Court Days indorsed.

By the Council in Assembly Dec^r 10th 1708

Read the first and second Times and by especial Order will pass.
W Bladen Cl. Co.

Bill directing the Manner of electing and summoning Delegates Indorsed By the Council in Assembly December 10th 1708
Read the first Time and considering this is the first Session of this present General Assembly and hoping there will be no Occasion to call another for some Years are willing to consider of some further Clauses to be inserted in this Bill until the next Session which may be for her Majesty's Service and the Advantage of the Province

Signed p Order W Bladen Cl. Co.

Bill appointing Court Days Read and ordered to be indorsed

By the House of Delegates December 10th 1708

Read the third Time and past for ingrossing
Rich^d Dallam Cl. Ho. Del.

Sent to the Committee of Laws with the Bill confirming the Charter of the City of Annapolis to be amended.

The Honble Philip Lynes Esq^r from the Honble Council enters the House and delivers M^r Speaker Bill ascertaining Damages on Protested Bills of Exchange Indorsed.

By the Council in Assembly December 10th 1708

p. 191 Read the first and second Times and will pass
W Bladen Cl. Co.

Which Bill was again read and past for ingrossing and sent to the Committee of Laws

The Honble Philip Lynes Esq^r enters the House and delivers M^r Speaker Bill declaring several Acts formerly made to be in force with the following Message.

By the Council in Assembly December 10th 1708.

The Bill for reviving several Temporary Laws being read at the Board it's observed that the Act for Encouragement of

Tillage and Relief of Debtors is omitted and we taking that L. H. J.
Act to be very advantageous to many of her Majesty's poor
Subjects who often fall under unfortunate Circumstances
desire it may be revived And whereas her Majesty's Royal In-
structions to his Excellency positively inhibit the reviving of
several Acts of different Natures in one and the same Law for
fear of any Dissent therefore we cannot consent to the House's
Request but propose the several Acts be severally revived by
different Bills which will be very short and not occasion any
great Delay to the Conclusion of this Session

Signed p Order W Bladen Cl. Co.

Col^o Smith from the Committee of Aggrievances enters
the House and delivers M^r Speaker the Petition of Thomas
Docwra with the Report of the Committee thereon

Ordered it lye on the Table.

The Petition of James Butler setting forth That some irre-
gular Proceedings have been made by the Clerk of his Lord-
ship's Land Office in antedating a Certificate of a Parcel of
Land containing 4260 Acres which he purchased of William
Joseph and referred for Consideration next Session of Assem-
bly Ordered that the Petitioner give Notice to M^r Charles
Carroll and M^r William Joseph to appear then and answer the
Petitioner's Complaint

The following Message ordered to be prepared and sent to
his Excellency & Council

By the House of Delegates 10th December 1708.

Whereas your Excellency has been pleased with the Advice
of her Majesty's Honble Council to order that no Attorney
shall be admitted to plead in any Court of this Province with-
out a License first obtained from your Excellency and Council
which with all Submission and due Respects to your Excy and
the Honble Council has been represented and seems to us to
be an Aggrievance and contrary to the known Practice of all
Courts in this Province and to the manifest Prejudice of her
Majesty's good and Loyal Subjects there in Regard it's a great
Hindrance to the said Attorneys in performing their Duties
for fear of incurring your Excellency's and Honours Displea-
sure and also a great Cause of their growing insolvent sup-
posing the Courts of Law have not Power to suspend and
displace them for these Misdemeanours whose Qualifications
with Submission we presume your Excellency will believe is
best known to the Commissioners of the Courts wherein they
practice: For which Reason this House humbly address them-
selves to your Excellency to order and restore the several

L. H. J. Courts to their antient Right of admitting and suspending the
 p. 192 Attorneys and Practitioners and they will take all due Care that none shall be admitted but such as shall merit the same by their fair & honest Practice. We also acquaint your Excellency there has been Complaints made to this House that several Merchants trading into this Province under Pretence that your Excellency and Council have given them Leave have kept Stores at several Places not being Towns contrary to a Law made in this Province, several of which Merchants have been presented at the Assizes for Breach of the said law.

But the Queen's Attorney General hath refused to prosecute them according to the Law aforesaid. We therefore humbly pray that your Excellency will be pleased to lay your Commands on the Attorney General that when any such Presentment shall be made that he prosecute all such who shall make any Breach of that or any other Law to be dispensed withal without our Consent.

Signed p Order Rich^d Dallam Cl. Ho. Del.

The House adjourned till to Morrow Morning ten O'Clock

Saturday 11th December 1708.

The House met according to Adjournment

Being called over were present as Yesterday.

Read what was done Yesterday.

Bill for Relief of poor Debtors and languishing Prisoners. Read the first and second Times and by especial Order will pass.

Sent up to his Excellency and Council for their Concurrence by M^r Covington and M^r Hemsley with the Message prepared last Night. They return and say they delivered the same

Col^o Coursey from the Council enters the House and desires the Resolve of this House relating to Talbot County Court House might be sent to the Council which was accordingly done. M^r Colegate a Member of this House for Baltimore County being lame hath Leave given him to go Home.

Samuel Young Esq^r from the Council enters the House and delivers M^r Speaker the following Message.

By the Council in Assembly December 11th 1708.

Proposed that those that are at Oxford may give their Poll there and those that are for having the Court House in the Center of the County give their Poll at Pitts's Bridge and that three of the Justices be appointed to take the Poll Viz. M^r

Matthew Tilghman Ward, M^r Robert Ungle and M^r John L. H. J. Dawson or any one of them at Oxford; M^r Thomas Robins, M^r James Lloyd, and Doctor Bullen or any one of them at Pitts's Bridge: And that this Assembly appoint the Day and that the Return to be sealed up which is thought advisable to avoid wrangling Signed p Order W Bladen Cl. Co.

Ordered it be read in a full House on Monday Morning.
The House adjourned till Monday Morning ten O'Clock.

Monday 13th December 1708

The House met according to Adjournment

Being called over were present as Yesterday except M^r P. 193 Colegate who had Leave to go Home. Read what was done on Saturday.

Upon reading the Message from the Honble Council by Samuel Young Esq^r on Saturday relating to Talbot County Court House this House concur with the Proposal of the Honble Council and Ordered That on the first Monday in April next coming M^r Matthew Tilghman Ward, M^r Robert Ungle and M^r John Dawson or any one of them attend at the Town of Oxford to take the Names of all such Persons Inhabitants of Talbot County qualified to elect Delegates, as are for continuing the Court House at Oxford; and that M^r Tho^s Robins, M^r James Lloyd and Doctor Bullen or any one of them at the same Time attend at Pitts's Bridge and take Names of such Inhabitants as aforesaid as are for removing the Court House to the Center of Talbot County, and that they return the Lists by them taken close sealed up under their Hands to this House the next Session of Assembly for Consideration

Bill directing the Manner of electing & summoning Delegates &^{ta} Read the 2nd Time with the Indorsement from the Honble Council and ordered to be indorsed as follows.

By the House of Delegates December 13th 1708

The within Bill read again with the Indorsment from the Honble Council and the House humbly pray that the Bill may pass this present Session, and if the Honble Council have any Amendments or additional Clauses to add thereto, this House is ready to hear and receive the same.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to Honble Council by M^r West and M^r Wright
They return and say they delivered the same

L. H. J. The Committee of Accounts enters the House and delivers M^r Speaker their Journal which is ordered to be read and debated and considered.

Ordered they return again to their Committee and take off the Charge to the Secretary and others for Copy of the Laws and Journals &th it being the Opinion of the House the Secretary by Virtue of his Instructions from the Lords Comm^{rs} of Trade and Plantations ought to do the same ex Officio her Majesty having given him the Profits of the Provincial Court Office and the tenths of the Clerks Fees in the County Courts to maintain his Office, and the House resolved that the Public pay for none for the future.

Samuel Young Esq^r from the Honble Council enters the House and delivers M^r Speaker the Bill directing the Manner of electing and summoning Delegates &th Indorsed as followeth

By the Council in Assembly December 13th 1708

This Board being not yet agreed on what Method may be prescribed to oblige all the Freeholders of each County to appear at their respective Elections once more desire the House will not insist on this Bill this present Session

Signed p Order W Bladen Cl. Co.

p. 194 Which being read in the House Ordered it be sent back to the Council with the following Message

By the House of Delegates December 13th 1708

In Answer to the Message by Samuel Young Esq. indorsed on the Back of the Bill directing the Manner of electing and summoning Delegates &th this House are of Opinion there is no Necessity for having any Method prescribed to oblige the Freeholders to appear at Elections the Interest of their Queen and Country being sufficient to engage them to take Care what Persons they elect to represent them in a General Assembly. And this House taking this Bill to be of as great Consequence as any that will be past this Session do pray the Concurrence of the Honble Council thereto

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to the Honble Council with the Bill by M^r Philips, M^r Wilkinson, M^r Mariartee and M^r Lee.

They return and say they delivered their Message & Bill.

The Honble Thomas Greenfield, and Philip Esq. enter the House and delivers M^r Speaker Bill for Relief of poor Debtors

and languishing Prisoners and Answer to Message about Attor- L. H. J.
neys and Persons keeping Store out of Town &^{ta} as follows Viz.

By the Council in Assembly December 13th 1708

Gentlemen. Your Message by M^r Hemsley and M^r Covington relating to Attorneys &c. being read at the Board we find you have misrecited his Excellency's Order in Council concerning the Admission of Attorneys to plead in this Province, in which there is a Saving to all who have a Right to that Practice Viz. whoever have been of any of the Inns of Court or Chancery. And what you observe to be an Aggrievance and contrary to the known Practice of all Courts of Great Britain we are of Opinion the House are not acquainted with the Practice of the Courts there, which we are well informed is otherwise; for that neither the Chancery Queen's Bench, Common Pleas or Exchequer, admit their Practitioners in their several Courts the Serjeants and Barristers on Certificates of the Benchers being called by the Queen's Majesty and the several Attorneys admitted and sworn by the Master of the Queen's Bench and Prothonotaries of the Common Pleas Nor is the Practice of this Province of such Duration to inform us of such antient Right so that on due Consideration we can see no Aggrievance but rather an Advantage of the good People of this Province that the Government take Care none but Men of known Integrity and Ability are suffered to practice in the several Courts who need not apprehend any Body's Displeasure for defending their Clients whilst they contain themselves from railing and seditious Speeches against the Government Nevertheless by the said Order of Council there is no Innibition to the Justices of the Provincial or County Courts from suspending any Practitioners who give any just Occasion by their Insolence or other Misbehaviour, but on the contrary his Excellency has been sufficiently satisfied with their so doing, and has often declared he should be very glad to see the County Justices assert their Authority on all such Upon the latter Part ^{p. 195} of your Message about several Merchants keeping Stores not in Towns under Pretence of his Excellency having given them Leave so to do, his Excellency is pleased to say he never gave any such Leave but that on the Application of Cap^t John Daracott the Council with the Assistance of two of the Justices of the Provincial Court had given the Opinion herewith sent you which is no Dispensation with the Laws for Towns As for several Presentments made at the Assizes of several Merchants on that Score the Attorney General says he never heard of any but one at Calvert County against Captain John Jefferson of Kelkeydye in Great Britain who was the first Trader

L. H. J. here from that Part of the Kingdom lately called Scotland and was generally presented for not keeping Store at Town according to Law; to which his Excuse was that there were no Store Houses at Port S^t George's where he lay and the Presentment being too general was conceived improper and no particular Information of what Goods he sold being the Attorney General by any particular Person was the Occasion he did not exhibit an Information against him

Signed p Order W Bladen Cl. Co.

The Honble Philip Lynes Esq. from the Council enters the House & delivers M^r Speaker the Opinion of the Governor and Council touching Merchants keeping Stores at Towns mentioned in the foregoing Message

Ordered the said Message be read in a full House to Morrow Morning.

Committee of Laws enter the House and deliver M^r Speaker the following Bills

Bill confirming and explaining the Charter granted to the City of Annapolis.

Bill reviving the Act imposing 3^d p Hogshead on Tobacco for defraying the publick Charge of the Country.

Bill repealing the Act prohibiting the Importation of Bread Beer &^{ta}

Bill reviving the Act ascertaining the Height of Fences

Bill reviving the Act for Limitation of Officers Fees

Bill reviving an Act laying an Imposition of 3^d p Gallon on Rum, Wine, Brandy, Spirits and 20 p Head an Negroes and Irish Servants for defraying the publick Charge of the Province &^{ta}

All which said Bills were severally read and ordered to be severally indorsed By the House of Delegates. Read the first Time Signed p Order Rich^d Dallam Cl. Ho. Del.

Bill for Relief of Debtors and languishing Prisoners. Read and ordered to be indorsed

By the House of Delegates 13th December 1708

Read the second Time & will pass

Signed p Order Rich^d Dallam Cl. Ho. Del.

The seven foregoing Bills sent up to the Council for their Concurrence by M^r Hemsley and M^r Robins.

They return and say the delivered the Bills.

p. 196 The House adjourned till to Morrow Morning ten O'Clock.

Tuesday 14th December 1708

L. H. J.

The House met according to Adjournment. Being called over were present as yesterday. Read was done Yesterday

The Message last Night by Col^o Greenfield and Philip Lynes Esq. Read and Ordered the following Message be prepared in Answer thereto.

By the House of Delegates 14th 1708

In Answer to your Message by Col^o Greenfield and Philip Lynes Esq. Yesterday intimating that this House had misrecited his Excellency's Order in Council concerning the Admission of Attorneys &^{ca} This House did not recite the said Order and are satisfied that there is a Saving to all such who had ever been of the Inns of Court or Chancery &^{ia} And notwithstanding such Saving are of Opinion it's an Aggrievance; and altho' this House are not so well acquainted with the Practice of the Courts in Great Britain yet they are well satisfied the Serjeants at Law are called by the Queen's Writ and that the Attorneys are never sworn or admitted by any Masters or Prothonotary of any Court without the Knowledge or Consent of the Justices of those Courts and altho' the Infancy of this Province cannot in some Persons Opinion plead Prescription, yet it appears to this House that ever since the Seating the Province no Attorney has been admitted without the Consent of the Courts and by them silenced if Occasion required and the contrary Practice is an Aggrievance to the whole Province And the House desire the Honble Council not to construe their Message as if they were Suitors for any practicular Person but for the whole Province in General and the Lives and Fortunes of the present Inhabitants thereof, and their Posterity, and therefore move the Honble Council to concur with the Bill proposed for settling the same. As to the other Part relating to the Merchants selling Goods at Towns this House did not, by their Message desire any Prosecution for any Offence past against the Act for Towns but only inform the Honble Council what Constructions were put on their Proceedings in the Country and represented to this House as an Aggrievance and hope the same will be prevented for the future

Signed p Order Rich^d Dallam Cl. Ho. Del.

Resolved That the Act for the Encouragement of Tillage and Relief of poor Debtors be revived for three Years or to the End of the next Session of Assembly which shall first happen

L. H. J. Additional Act to the Supplementary Act for Towns Read and committed for Amendment.

The Honble William Coursey and Samuel Young Esq. from the Council enters the House and delivers M^r Speaker the following Bills. Bill for Relief of poor Debtors and languishing Prisoners, indorsed, Eodem Die Read the second Time and will pass
Signed p Order W Bladen Cl. Co.

p. 197 Bill for reviving the Act for Imposition of three Pence p Gallon on Rum, Wine, Brandy, Spirits &^{ca} Indorsed Eodem Die By the Council in Assembly. Read the first Time and will pass
Signed p Order W Bladen Cl. Co.

Bill reviving the Act ascertaining the Height of Fences &^{ta} Indorsed Edoem Die
Read in the Council the first Time and will pass
Signed p Order W Bladen Cl. Co.

Bill confirming and explaining the Charter granted to the City of Annapolis &^{ta} Indorsed By the Council in Assembly December 13th 1708
Read the first Time and the Amendments agreed to
Signed p Order W Bladen Cl. Co.

Bill reviving the Act for Impost of 3^d p Hhd on Tobacco towards the defraying the publick Charge of the Province Indorsed Eodem Die Read the first Time and will pass.
Signed p Order W Bladen Cl. Co.

All which Bills were severally read and Ordered by the House to be indorsed as follows.

By the House of Delegates December 14th 1708
Read again & past for ingrossing.
Signed p Order Rich^d Dallam Cl. Ho. Del.

The said Bills delivered to the Committee of Laws for ingrossing

Philip Lynes Esq. from the Honble Council enters the House and delivers M^r Speaker the following Message.

By the Council in Assembly December 14th 1708

M^r George Plater late Naval Officer and her Majesty's Receiver of the District of Patuxent having by Order of his Ex-

cellency and this Board supplied Capt. John Blackmore when L. H. J. sent to Carolina on the Country Service with ten Pounds Sterling which was necessarily expended in the negotiating the Business he was charged with we recommend to your House to make Allowance of the said Sum of ten Pounds to M^r Plater's Administratrix:

And further inasmuch as there was fifty Pounds Sterling allowed in April 1707 for M^r John Perry the Post's Salary his Excellency being satisfied that Sum was allowed to M^r Robert Mason late Treasurer of the Western Shore recommends to you that Care be taken to stop the Payment thereof.

Signed p Order W Bladen Cl. Co.

Bill reviving the Act for Limitation of Officers Fees, and Bill reviving the Act for regulating the Militia being read with the Indorsement from the Council that the Bill for reviving the Act for Officers Fees would not pass as proposed being read and debated: Put to the Question whether the said Bills shall be proceeded in this Session or totally expire at the End of this Session?

Resolved nemine contradicente That the said Bills shall be no further proceeded on this Session but totally left to expire.

Bill relating to Attorneys Fees &^{ta} and the Message prepared this Morning sent to the Honble Council by M^r Tyler and M^r Mariartee. They return & say they del^d the same.

The Committee of Accounts enter the House and delivers M^r Speaker their Journal which being read and approved Ordered it be indorsed

By the House of Delegates December 14th 1708

p. 198

Read and assented to by the House of Delegates,

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to his Excellency and Council for their Concurrence by M^r Tyler and M^r Mariarte

They return and say they delivered the same

Ordered the following Message be prepared.

By the House of Delegates Dec^r 14th 1708

In Answer to your Message by Samuel Young Esq^r on Saturday relating to Talbot County Court House this House concurs with the Honble Council's Proposals relating thereto and have appointed the first Monday in April for taking the Poll

Signed p Order Rich^d Dallam Cl. Ho. Del.

L. H. J. Sent up to the Honble Council by Capt. Crabb and M^r Jowles. They return and say they delivered their Message.

Ingrossed Bill ascertaining what Damages shall be allowed on Protested Bills of Exchange, Read and ordered to be indorsed.

By the House of Delegates Decem^r 14th 1708

Read and assented to by the House of Delegates

Signed p Order Rich^d Dallam Cl. Ho. Del.

Ingrossed Bill for appointing Court Days in each respective County within this Province. Read and ordered to be indorsed

By the House of Delegates Dec. 14th 1708

Read and assented to by the House of Delegates

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to the Honble Council by M^r Storey and M^r Right They return and say they delivered the Bills.

The Honble Col^o William Holland and Samuel Young Esq. from the Council enter the House and deliver M^r Speaker Bill ascertaining Attorneys Fees and the following Message

By the Council in Assembly December 14th 1708.

Upon reading the Bill ascertaining Attorneys Fees &^{ts} we recommend the Sum of 400 lb Tobacco in Lieu of 200 lb be to all Attorneys prosecuting or defending any Cause Plaint or Action of what nature soever in the Provincial Court to final Judgment, Agreement or other End, for any Fee in the High Court of Chancery Vice Admiralty or Writs of Errors and Appeals before the Governor and Council 600 lb Tobacco. The Fee in Commissary's Court 400 lb Tobacco We think the Words (receive take) may be well omitted in the said Bill for that we never heard any Persons practising the Law or others were ever prohibited from receiving any Fee Gratuity or Reward from their Employers who judged them worthy thereof. Further we recommend that it be inserted in the last Clause of the Bill that all Persons whatsoever practising the Law shall be first licensed by the Governor and Council for the Time being before admitted by the several Courts who shall notwithstanding have the Power of such Admission by swearing them and likewise suspend on just Grounds

Signed p Order W Bladen Cl. Co.

Which being read Ordered it be answered as follows

By the House of Delegates December 14th 1708

L. H. J.

In Answer to the Message by Col^o Holland and Samuel Young Esq^r relating to the Amendments in the Bill concerning Attorneys Fees this House agree to the first Part of the Message but as to the other Part relating to the Attorneys being licensed &^{ta} and Words (received take) this House cannot consent thereto and pray the Bill may pass as it now stands amended

Signed p Order

Rich^d Dallam Cl. Ho. Del.

Sent up to the Council with the Bill by Capt. West and M^r Greenfield

They return and say they delivered the same

The Honble Col^o Holland from the Council enters the House and delivers M^r Speaker the Bill directing the Manner of electing and summoning Delegates &c^a and the following Message.

By the Council in Assembly December 14th 1708.

This Board having a due Sense of the Consequence of this Bill were willing to have had further Consideration thereof till the next Session; but seeing the House are so desirous to have it compleated this Session we have once more read it and desire there may be a Clause inserted to oblige the Freeholders to appear at Elections it having been often experienced that they are very indifferent on these Occasions. And further on comparing the former Law with this now proposed we find a whole Clause omitted therein which being adjunct to her most Sacred Majesty's Royal Prerogative we are not willing to impair the same but desire it may be inserted as formerly Enacted

Signed p Order W Bladen Cl. Co.

Upon reading the foregoing Message Ordered it be answered as follows Viz.

By the House of Delegates the 14th December 1708.

In Answer to your Message by Col^o W^m Holland with the Bill directing the Manner of electing Delegates &^{ta} this House cannot see any Reason why any Clause should be inserted to oblige Freeholders to appear at Elections unless it is to draw them into snares of Fines not being customary in Great Britain. As to the Clause being left out of this Bill which was in the

L. H. J. former we cannot see it any Derogation to her Majesty's Prerogative and pray the Bill may pass as it is.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to the Council with the Bill by M^r Mariarte, M^r Storey and M^r Covington

They return and say they delivered the same.

The Committee of Aggrievances enter the House and delivers M^r Speaker the following Report as an Aggrievance That one Elizabeth Clouds Servant to one W^m Orrick through evil Deceit got her Banns published, by the name of an Egyptian Woman to a Negro Man lately belonging to one Thomas Linthicum but now the Right of James Carroll by the Reverend James Colebatch Minister of All Hallows Parish and after Publication thereof by that Deceit the said Joseph Colebatch married her to the said Negro Man and altho' at the same Time the Master of the said woman being present did not know her She having coloured her Skin much like to a Molattoe All which they humbly offered as an Aggrievance to this House Which being read the House concurred with the Committee that it is an Aggrievance and referred for Consideration the next Session of Assembly.

The following Message being prepared Ordered it be entered.

By the House of Delegates December 14th 1708

In Answer to the Message by Philip Lynes Esq. this House will order the Committee for apportioning the Levy to pay the Administratrix of George Plater Esq the ten Pound by him paid by his Excellency's Order to Capt Blackmore.

As to the £ 50 allowed Perry the Post this House will order the Treasurer to stop the Money in his Hands till further Order from this House

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to the Council by M^r Storey and M^r Wright They return and say they delivered their Message.

Bill for Encouragement of Tillage and Relief of poor Debtors Read twice and ordered to be indorsed

By the House of Delegates December 14th 1708

Read the first and second Time and by especial Order will pass Signed p Order Rich^d Dallam Cl. Ho. Del.

Additional Act to the Supplementary Act for erecting Ports and Towns &^{ts}

Read twice as amended and Ordered to be indorsed

By the House of Delegates 14th December 1708

L. H. J.

Read the first and second Time and by especial Order will
pass Signed p Order Rich^d Dallam Cl. Ho. Del.

The two foregoing Bills sent to the Council by M^r Hill and
M^r Tyler

They return and say they delivered the Bills

The Honble Col^o Holland and Samuel Young Esq. enter the
House and deliver M^r Speaker the Bill ascertaining Attorneys
Fees Indorsed as follows

Eodem Die Read in Council again and this Board cannot
consent to pass the Bill without the Amendments made therein
to which if the House of Delegates do not concur we desire
the Bill may be referred till next Session

Signed p Order W Bladen Cl. Co.

Which being read in the House Ordered it be answered as
follows

By the House of Delegates 14th December 1708

This House are very sorry the Honble Council should
hearken to the cunning, subtil Insinuations of any designing
Persons and not look into the Statutes empowering Courts to
admit Attorneys &^{ta} as particularly the 13th E 2^d Cap. 1. and
4th Hen. 4th Cap. 18. and many others which will more truly
inform the Courts have the only Power of admitting Attorneys;
and this House can't but take Notice how easily private Bills
pass; but when any offers for the Good of the Country in
General some Persons throw a stumbling Block in their Way
and therefore pray the Honble Council's Concurrence to this
Bill Signed p Order Rich^d Dallam Cl. Ho. Del.

Sen. up to the Council with the Bill by Capt. West, M^r Phil-
lips, M^r Hemsley, M^r Storey, M^r Robins and M^r Covington
They return and say they delivered the Bill & Message.
Moved by a Member that this House will give Leave to the
Justices of Ann Arundel County to build a House on the pub-
lick Land by Severn Ferry for a Ferry House. Resolved it
be considered of to Morrow Morning.

The Honble Philip Lynes Esq. from the Honble Council en- p. 201
ters the House and delivers M^r Speaker Bill reviving the Act
for Encouragement of Tillage and Relief of poor Debtors.
Additional Act to the Supplementary Act for erecting Ports
and Towns &^{ta}

L. H. J. Both which Bill were indorsed Severally Eodem Die Read
in Council and will pass W Bladen Cl. Co.

Wednesday 15th December 1708

The House met according to Adjournment Being called
over were present as yesterday

Read what was done yesterday

Additional Act to the Supplementary Act for Towns Bill
reviving Act for Encouragement of Tillage and Relief of poor
Debtors

Read and indorsed

By the House of Delegates 15th December 1708

Read the Third Time and past for ingrossing.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent to the Committee of Laws to be ingrossed Upon the
Motion last Night that the Justices of Ann Arundel County
might have Leave to build a House on the Publick Land at
Severn Ferry the House consented thereto and ordered the
following Message be prepared and sent to the Council for
their Concurrence

By the House of Delegates December 15th 1708.

It being moved by a Member of this House that the Justices
of Ann Arundel County have Leave to build a House on the
publick Land at Severn Ferry for the Use of such Persons who
shall be appointed to keep that Ferry which being thought
reasonable it's Resolved That the Justices of Ann Arundel
County have Leave to take half an Acre of Ground on the
Publick Lands at Severn Ferry whereon to build a House for
the use of such Person as shall keep Ferry there to which the
House desire the Concurrence of the Honble Council.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent by Capt Jones, M^r Mariartee and Col^o Greenberry.
They return and say they delivered the same.

Afterwards the Honble Philip Lynes Esq. enters the House
and delivers M^r Speaker the same Message indorsed Eodem
Die The Council concurs thereto.

Signed p Order W Bladen Cl. Co.

The Petition of Thomas Docwra Desiring to discharged
from the forty p Poll being debated Put to the Question whether

the Act for Towns does exempt Tradesmen living in Towns ^{L. H. J.} from paying the forty p Poll? Carried by Majority of Votes that the Act for Towns does not exempt Tradesmen from paying the forty p Poll to the Minister.

Moved by a Member that the Law does not allow Councilors any Salary during their [attendance?] in the High Court Chancery, high Court of Appeals or in Council except in Times of Assembly and that they ought not to be paid

Resolved it be referred till the next Session of Assembly

Ordered M^r Philips and M^r Paca two Members for Baltimore County have Leave to go Home their Mother being dead.

Ingrossed Bill settling the Rate of foreign Silver Coins. ^{p. 202}

Ingrossed Bill confirming Title of Land to John Hyde and the Heir at Law of John Gandy.

Ingrossed Bill empowering Trustees to sell Lands for Redemption of a Mortgage for the Benefit of Christian Sterling a Minor

Ingrossed Bill for Naturalization of Benjamin Duffour, Justus Englehard Kitchin and James Roberts

Ingrossed Bill empowering Trustees to sell Land for the use of Joseph & Benjamin Harris

Read and agreed to by the House and ordered to be severally indorsed as followeth

By the House of Delegates December 15th 1708.

Read and assented to by the House of Delegates

Signed p Order Rich^d Dallam Cl. Ho. Del.

All which Bills were sent up to his Excellency and Council by M^r Wright & M^r Covington

They return and say they delivered the same. M^r Skinner from the Committee of Laws enters the House and delivers M^r Speaker the ingrossed Bills following

Bill confirming the Charter of the City of Annapolis

Bill reviving the Act for laying on Imposition of 3^d p Gallon on Wine, Brandy, Spirits &c^a and 20/. p Head on Negroes and Irish Servants

All which Bills were severally read and ordered to be severally indorsed

By the House of Delegates December 15th 1708

Read and assented to by the House of Delegates.

Signed p Ord^r Rich^d Dallam Cl. Ho. Del.

Sent to the Council by M^r Hemsley and M^r Mackall. They return and say they delivered the same.

L. H. J. Col^o Holland, Samuel Young and Philip Lynes Esq. from the Council enter the House and deliver M^r Speaker, Bill relating to Attorneys &^{ta} and the following Message.

By the Council in Assembly December 15th 1708

In Answer to your Message by M^r West and five other Members of your House, we cannot but take Leave after so many Condescensions and so much fair Temper by us made and used towards you during the whole Transactions of this Sessions to tell you how much we are concerned you should have so light an Opinion of us that we should hearken to the cunning Insinuations of any designing Persons who endeavour to throw stumbling Blocks in your way to serve the Country; and assure you that we heartily wish such as ungrateful to your House, as we have firmly resolved they shall be to our Board; and therefore as it is our full Intention in Imitation of his Excellency the Governor's noble Example and Declaration to use our best Endeavours for the Service of our Queen and Country without Artifice or Design, so we affirm to you were we not convinced that it was, and still in this Province is the Royal Prerogative to appoint and allow of Attorneys we should not spend unprofitable Minutes to refuse what you might reasonably challenge Therefore as we believe you to be Men of sound Reason we shall in Order to put an End to this Dispute satisfy you it was the Royal Prerogative to assign Attorneys to the Subject who were forced to procure the King's Grant to appoint their Attorneys, as by the Writs Ded. po. Attorno faciendo. ffitz Natura Brevium folio 25.

P. 203 And secondly that Authority, being never delated on the Country, nay, any the Courts of this Province therefore must remain inter Sacra Sacrorum inseparalia Regum Nevertheless his Excellency to shew how ready he is to gratify the Country which you represent is willing to pass the Bill now proposed (that is to say) that the several Courts of this Province have Power to admit and suspend the Attorneys until her Majesty's Pleasure be declared herein always Salvo Jure Corone, and that they shall not admit any to practice the Law, who have already been denied that Liberty by his Excellency and this Board and further that none be admitted to practice in any of the Courts of this Province whatsoever but such who qualifie themselves by taking the Oaths appointed by Law.

Signed p Order W Bladen Cl. Co.

Which being read Ordered it be amended accordingly.
Which being done Ordered it be indorsed.

By the House of Delegates December 15th 1708

L. H. J.

Read again and will pass as now amended

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to the Council by M^r Wilkinson and M^r Covington
They return and say they delivered the same

The Honble Col^o Holland and Philip Lynes Esq. from the
Council enters the House and delivers M^r Speaker Bill relating
to the electing and summoning Delegates and the following
Message

By the Council in Assembly December 15th 1708

In Compliance with your Message by Capt Philips and three
more of your Members we are willing to pass the Bill for elect-
ing Delegates without the Clause obliging the Freeholders,
since it is not used in Great Britain, where they are more care-
ful of their Interest. But as to other Clause omitted notwith-
standing your Assertion that you can't see it any ways in
Derogation to her Majesty's Prerogative we cannot be of your
Opinion because it leaves in Dispute a Right in the Crown
fully ascertained in the present Law as it now stands; there-
fore we cannot agree to that Bill as proposed unless you con-
sent to the Addition thereof.

Signed p Order W Bladen Cl. Co.

Samuel Young Esq. from the Honble Council enters the
House and delivers M^r Speaker the Journal of the Committee
of Accounts assented to by the Council Samuel Dorsey's Peti-
tion read and referred till next Session of Assembly for
Consideration.

Col^o Holland from the Honble Council enters the House
and delivers M^r Speaker Bill relating to Attorneys. Indorsed.
Eodem Die. Read again in Council and will pass with the
Amendment Signed p Order W Bladen Cl. Co.

Which was likewise read again in the House and past for
ingrossing and delivered the Committee of Laws

Bill directing the Manner of electing Delegates amended
and ordered to be indorsed

By the House of Delegates December 15th 1708

Read again and will pass with the Clause now added

Signed p Order Rich^d Dallam Cl. Ho. Del.

L. H. J. Sent by M^r Mariartee and M^r Covington to the Council.
 p. 204 They return and say they delivered the same
 The last Will and Testament of Col^o John Contee Read
 and assented to by the House and ordered it be indorsed.

By the House of Delegates December 15th 1708.
 Read and assented to by the House of Delegates
 Signed p Order Rich^d Dallam Cl. Ho. Del.

Philip Lynes Esq^r from the Honble Council enters the House
 and delivers M^r Speaker Bill directing the Manner of electing
 Delegates indorsed Eodem Die. Read again in Council and
 will pass with the Clause added
 Signed p Order W Bladen Cl. Co.

Which was again read and past for ingrossing and sent to
 the Committee of Laws to be ingrossed
 Bill repealing the Act prohibiting the Importation of Bread,
 Beer &^{ta} Indorsed Eodem Die. Read in Council and whereas
 it is thought the Bill in force is for the Interest of the Country
 we are not willing to repeal it Signed p Order
 W Bladen Cl. Co.

Ordered the said Bill be read to Morrow Morning
 The following Message being prepared was ordered to be
 entered Viz.

By the House of Delegates December 15th 1708.

This House desire the Honble Council to appoint some
 Members of her Majesty's Honble Council to join in a Com-
 mittee with some of the Members of this House to apportion
 the publick Levy
 Signed p Order
 Rich^d Dallam Cl. Ho. Del.

Sent up to the Council by Col^o Greenberry, M^r Bradford,
 M^r Hemsley, M^r Ungle, M^r Pearce, and M^r Mackall who are
 the Members appointed by this House for the said Committee.
 They return and say they delivered their Message.
 Col^o Coursey and Samuel Young Esq. from the Honble
 Council enter the House and deliver M^r Speaker the following
 Message.

By the Council in Assembly, December 15th 1708

L. H. J.

There being but a thin Appearance at our Board this Session we directed only two of her Majesty's Council Viz. Col^o Coursey and M^r Young to assist the Committee in laying the Levy
Signed p Order W Bladen Cl. Co.

Ordered That the Members of this House appointed for laying the Levy meet the Honble Council to Morrow Morning at Major Freenan's

The House adjourned till to Morrow Morning at ten O'Clock

Thursday 16th December 1708

The House met according to Adjournment

Being called over were present as yesterday except M^r Philips and M^r Paca who yesterday had Leave to go Home. Read what was done yesterday.

Bill repealing the Act prohibiting the Importation of Bread, Beer, &^{ta} with the Indorsment from the Council read and Resolved the House will no further proceed therein this Session

Ingrossed Bill for Relief of poor Debtors and languishing Prisoners Read and assented to by the House and Ordered to be indorsed p. 205

By the House of Delegates December 16th 1708

Read and assented to by the House of Delegates

Signed p Order Richard Dallam Cl. Ho. Del.

Ingrossed Bill reviving an Act laying an Imposition of three Pence p Hogshead on Tobacco for defraying the publick Charge of the Province Read and assented to and Ordered to be indorsed.

By the House of Delegates December 16th 1708

Read and assented to by the House of Delegates.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Ingrossed Bill reviving the Act ascertaining the Height of Fences Read and assented to and ordered to be indorsed

By the House of Delegates December 16th 1708

Read and assented to by the House of Delegates

Signed p Order Rich^d Dallam Cl. Ho. Del.

L. H. J. Ingrossed Bill Entituled an Additional Act to the Supplementary Act for Advancement of Trade and erecting Ports and Towns &c^a Read and assented to by the House and Ordered to be indorsed

By the House of Delegates 16th December 1708

Read and assented to by the House of Delegates

Signed p Order Rich^d Dallam Cl. Ho. Del.

The foregoing four ingrossed Bills and the ingrossed Bill confirming and making valid the last Will and Testament of Col^o John Contee deceased sent up to the Honble for their Assent by M^r Tyler and M^r Covington. They return & say they delivered the same.

The Honble Philip Lynes Esq^r enters the House and delivers M^r Speaker the following ingrossed Bills.

Bill ascertaining Damages on Protested Bills of Exchange

Bill appointing Court Days in each respective County

Bill settling the Rates of foreign Silver Coins

Bill confirming the Title of Land to John Hyde and the Heir at Law of John Gandy

Bill empowering Trustees to sell Lands for Redemption of a Mortgage for the Benefit of Christian Sterling a Minor.

Bill for Naturalization of Benjamin Duffour Justus Englehard Kitchin & James Roberts

Bill empowering Trustees to sell Land and purchase others for the use of Benj^a & Joseph Harris.

Bill for explaining and confirming the Charter granted to the City of Annapolis.

Bill for reviving the Act for Encouragement of Tillage & Relief of poor Debtors.

Bill for laying an Imposition of three Pence p Gallon on Rum, Wine, Brandy, and Spirits, and twenty Shillings p Head on Negroes and Irish Servants &^{ta}

All which Bills were severally thus indorsed

December 15th 1708.

Then was this Bill read and assented to by her Majesty's Honble Council and Signed p Order W Bladen Cl. Co.

Brought into the House from the Honble Council the Petition of Wornell Hunt Esq. praying to be heard what he had to offer against the Bill ascertaining Attorneys Fees; and being called into the House and his Reasons heard why the Bill should not pass he withdrew and Resolved the Consideration thereof be referred till next Session of Assembly

The House proceeds to settle the Fees to be paid for private L. H. J. Bills past this Session as follows Viz.

From Capt John Hyde for private Bill in favour of himself and the Heir at Law of John Gandy

To the Honble Speaker	£	10..	0..	0
To Richard Dallam Clk of this House		5..	0..	0

M^{rs} Sarah Fraser for private Bill in favour of herself and Christian Sterling a Minor

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To the Honble Speaker	£	3..	0..	0
To Rich ^d Dallam Clerk of this House		1..	10..	0

Joseph and Benjamin Harris for private Bill in their favour

To the Honble Speaker		3..	0..	0
To Rich ^d Dallam Clk of this House		1..	10..	0

James Roberts for Bill for his Naturalization

To the Honble Speaker		2..	0..	0
To Rich ^d Dallam Clerk of this House		1..	0..	0

Justus Englehard Kitchin Bill for Naturalization

To the Honble Speaker		5..	0..	0
To Richard Dallam Clk of this House		2..	10..	0

Benjamin Duffour Bill for his Naturalization }

To the Honble Speaker		2..	10..	—
To Rich ^d Dallam Clk of this House.		1..	5..	0

Madam Mary Contee Bill confirming and making valid the last Will and Testament of Col^o John Contee deceased

To the Honble Speaker		15..	0..	0
To Richard Dallam Clerk of this House		7..	10..	0

S^t Mary's County Bill for removing their County Court House

To the Honble Speaker	1000 lb Tobacco
To Rich ^d Dallam Clk of this House	500 lb Tob ^o

The Honble Col^o William Holland from the Council enters the House and delivers M^r Speaker the following Message

By the Council in Assembly December 16th 1708

This Board being made sensible that you intend at the next Session to revive the Act for Limitation of Officers Fees do agree it may be at present revised only until the End of the next Session of Assembly. And further we put you in Mind that the Act for regulating and ordering the Militia will expire this Session therefore propose it may be revived

Signed p Order W Bladen Cl. Co.

L. H. J. Upon reading the foregoing Message, Ordered the Bills therein mentioned be again read in the House.

Bill reviving the Act for Limitation of Officers Fees Read and ordered to be indorsed

By the House of Delegates 16th December 1708

Read the second Time and will pass

Signed p Order Rich^d Dallam Cl. Ho. Del.

Bill reviving the Act for ordering and regulating the Militia Read and debated. Put to the Question whether the Bill shall pass or not?

Carried by Majority of Votes in the Affirmative.

Ordered the said Bill be indorsed.

By the House of Delegates 16th December 1708

Read the third Time and will pass Signed p Order

Rich^d Dallam Cl. Ho. Del.

Ordered That M^r Hill and M^r Tyler carry the said Bills up to the Honble Council with the following Message

By the House of Delegates 16th December 1708.

In Answer to your Message by the Honble Col^o Holland relating to the reviving the Bill for Limitation of Officers Fees, and the Act for ordering and regulating the Militia, this House had prepared Bills for that Purpose, to which they desire the Concurrence of the Honble Council

Signed p Order Rich^d Dallam Cl. Ho. Del.

They return and say they delivered the same Bills and Message.

The Honble Thomas Greenfield Esq enters the House and delivers M^r Speaker the following Message.

By the Council in Assembly December 16th 1708.

p. 207 His Excellency and this Board do recommend to the House of Delegates that the Country Arms be lodged in the Court House in the first Room on the left Hand up one Pair of Stairs where they will be safer and it may be done at a very small Charge only of putting up the Racks &^{ts} and 'twill save the Country the Rent of the House they are now lodged in which

we are informed Col^o Dorsey notwithstanding his Promise to L. H. J settle it on the Country and desire your Concurrence herewith.

Signed p Order W Bladen Cl. Co.

The Honble Col^o William Holland from the Council enters the House and delivers M^r Speaker

Bill reviving the Act for Limitation of Officers Fees

Bill reviving the Act for ordering and regulating the Militia both indorsed Eodem Die

Read in Council and will pass

Signed p Order W Bladen Cl. Co.

Both the said Bills read again and past for ingrossing and sent by M^r Jowles to the Committee of Laws to be ingrossed

Ordered the following Message be sent to the Honble Council

By the House of Delegates 16th December 1708

In Answer to the Message Thomas Greenfield Esq. relating to the Country Arms being lodged in the Court House this House readily concur thereto and humbly desire his Excellency will be pleased to order the same to be done at the Country Charge

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to the Honble Council by M^r Tyler and Captain Jones

They return and say they delivered the same.

The Honble Philip Lynes Esq. enters the House and delivers M^r Speaker the following ingrossed Bills

Bill for Relief of poor Debtors and languishing Prisoners.

Bill reviving an Act laying an Imposition of 3 Pence p Hogshead on Tobacco for defraying the publick Charge of the Province

Bill reviving the Act ascertaining the Height of Fences &^{ta}

Bill entituled an Act to the Supplementary Act for the Advancement of Trade and erecting Ports and Towns &^{ca}

Bill confirming and making valid the last Will and Testament of Col^o John Contee dec^d

All severally indorsed December 16th 1708 Then was this Bill read & assented to by her Majesty's Honble Council and

Signed p Order W Bladen Cl. Co.

Ingrossed Bill directing the Manner of electing and summoning Delegates Read and ordered to be indorsed

L. H. J. By the House of Delegates 16th December 1708.

Read & assented to by the House of Delegates.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Ingrossed Bill ascertaining Attorneys Fees Read and ordered to be indorsed

By the House of Delegates 16th December 1708

Read and assented to by the House of Delegates

Signed p Order Rich^d Dallam Cl. Ho. Del.

Both the foregoing Bills sent up to the Council by Mr Wilkinson and Mr Tyler

They return and say they delivered the Bills

Ordered That the original Paper Bills passed this Sessions be lodged in Mr Speaker's Hands and that he have a fair Copy of the Journal.

p 208 Resolved That the Clerk of this House is not obliged to copy the Journals that go for England but it belongs to the Secretary by Virtue of his Office to do the same

The House adjourned till to Morrow Morning Eight, O'Clock

Friday 17th December 1708

The House met according to Adjournment Being called over were present as yesterday. Read what was done yesterday.

Ingrossed Act for reviving the Act for Limitation of Officers Fees, Read and debated and put to the Question whether the Bill shall pass or not? Carried by Majority of Votes in the Affirmative. Ordered the said Bill be indorsed

By the House of Delegates 17th December 1708.

Read and assented to by the House of Delegates

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to the Council by Capt. Jowls. He returns and says he delivered the same.

Ingrossed Bill for reviving the Act for ordering and regulating the Militia. Read and debated. Put to the Question whether the Bill shall pass or not? Carried by Majority of Votes in the Negative.

Ordered the following Message be sent to the Council

By the House of Delegates December 17th 1708

Upon reading the ingrossed Bill reviving the Act for ordering and regulating the Militia it's the Opinion of this House

that the said Bill shall not pass and Resolved That the said L. H. J.
Act be not revived as it now stands Signed p Order
Rich^d Dallam Cl. Ho. Del.

Sent up to the Council by M^r Mariartee and M^r Covington
They return and say they delivered the same.

Committee of Laws enter the House and delivers M^r
Speaker Bill for Payment and Assessment of the publick Levy.
Which was twice read and ordered to be indorsed

By the House of Delegates 17th December 1708

Read the first & second Times by especial Order and will pass
Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to his Excellency and Council for Concurrence by
M^r Mariartee & Capt. Crabb

They return and say they delivered the same.

The Honble Col^o William Holland, Col^o William Coursey
and Thomas Greenfield, Esq enter the House and deliver M^r
Speaker the following Message

By the Council in Assembly December 17th 1708.

Upon communicating to his Excellency your Resolve not to
revive the Act for the better ordering and regulating the
Militia he was pleased to declare he could not have expected
any Persons who had the least Respect for their Country would
ever consent to leave it defenceless especially in this Time of
War and if you are jealous of the fifty thousand Pounds of
Tobacco being made use of, by the Governor and Council his
Excellency says he depises so mean a Thought that should
ballance with the Safety of the Province and as he never made
Use of that Tobacco so had no Thought of it. And we being
well satisfied it's highly necessary that Act be kept in force,
without which the Government will not be secure in Case of
any Disturbance recommend to you to reassume the Consid-
eration thereof, and pass the Bill as agreed to.

Signed p Order W Bladen Cl. Co.

The foregoing Message being read and debated in the p. 209
House Put to the Question whether the House shall reassume
their Vote or not? Carried by the Majority of Votes in the
Affirmative. Ordered the Bill be read, and being read and de-
bated Put to the Question whether the said Bill shall pass or not?

Carried by Majority of Votes in the Affirmative
Ordered the said Bill be indorsed

L. H. J. By the House of Delegates 17th December 1708

Read and assented to by the House of Delegates.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Ordered M^r Worthington and M^r Robins carry the said Bill up to the Council for their Assent.

They return and say they delivered the same.

The Honble Philip Lynes Esq^r enters the House and delivers M^r Speaker the three following ingrossed Bills Viz.

Bill ascertaining Attorneys Fees &^{ta} Indorsed 16th December 1708 Then was this Bill read and assented to by her Majesty's Honble Council and

Signed p Order

W Bladen Cl. Co.

Bill directing the Manner of electing and summoning Delegates &^{ta} Indorsed as above Bill reviving the Act for Limitation of Officers Fees Indorsed 17th December 1708 Then was this Bill read and assented to by her Majesty's Honble Council

Signed p Order W Bladen Cl. Co.

The Honble Philip Lynes, Esq enters the House and delivers M^r Speaker, Ingrossed Bill reviving the Act for ordering and regulating the Militia, Indorsed as above and also the Bill for Payment and Assessment of the Publick Levy Indorsed Eodem Die, Read in Council the first and second Time by especial Order and will pass with the Words Officers Fees be inserted.

Signed p Order W Bladen Cl. Co.

Which was agreed to by the House and ordered the Bill be ingrossed and delivered to the Committee of Laws for ingrossing. The House adjourned for an Hour Eodem Die The House met according to Adjournment. Being called over were present as before

Committee of Laws enters the House and delivers M^r Speaker ingrossed Bill for Payment and Assessment of the Publick Levy. Ordered the said Bill be read, and being read, Ordered it be indorsed

By the House of Delegates 17th December 1708

Read & assented to by the House of Delegates

Signed p Order Rich^d Dallam Cl. Ho. Del.

Ordered Col^o Nicholas Lowe and M^r Robert Tyler carry the Bill up to the Honble Council for their Assent. They return and say they delivered the same.

Ordered That M^r Bladen have Notice that the Doors and Windows of the Stadt-House wants Glass and Bolts and that he has not finished the Prison and that he take Care to finish all by the next Session of Assembly L. H. J.

Ordered That M^r William Taylard render an Account to the next Session of Assembly of the Paper and Parchment lodged in his Hands for the publick use Moved whether it be convenient to have the publick Treasurer to be a Member of the Council or not? Resolved it be referred for Consideration next Session of Assembly.

The Honble Col^o William Coursey from the Council enters the House and delivers M^r Speaker Ingrossed Bill for Payment and Assessment of the publick Levy Indorsed 17th Dec^r 1708 Then was this Bill read and assented to by her Majesty's Honble Council and Signed p Order
W Bladen Cl. Co. p. 210

Ordered That M^r W^m Cood High Sheriff of S^t Mary's County attend this House the next Session of Assembly to answer the Complaint of M^r Richard Llewellyn touching his irregular Proceedings in the Election of the present Delegates of the said County and that M^r Llewellyn then appear and attend this House and make good the Cause of his Complaint whereof if he fails in Ordered That he shall make Satisfaction to the Sheriff for his false Complaint

Ordered Col^o Lowe, Col^o Smith, M^r Ungle, M^r Wright, and M^r Storey attend his Excellency and Council and inform them this House have nothing before them and are ready to wait on his Excellency to compleat this Session

They return and say they delivered their Message and that his Excellency had no further Commands to this House this Sessions

The Honble Major Gen^l Lloyd, and Col^o William Holland enter the House and acquaints M^r Speaker that his Excellency in her Majesty's Name commands him and the whole House to attend him immediately in the Council Chamber

The House adjourned to the Council Chamber and carry with them the several Bills past this Session and being admitted at the Council Board, M^r Speaker presented to his Excellency the said Bills as following.

- 1 Bill ascertaining Damages on Protested Bills of Exchange.
- 2 Bill appointing Court Days in each respective County.
3. Bill settling the Rates of foreign Silver Coins
4. Bill confirming the Title of Land to John Hyde and the Heir at Law of John Gandy.
5. Bill empowering Trustees to sell Land for Redemption of a Mortgage for the Benefit of Christian Sterling a Minor.

L. II, J. 6. Bill for Naturalizⁿ of Benj^a Duffour, Justus Englehard Kitchin, and James Roberts.

7. Bill empowering Trustees to sell Land for the Use of Joseph and Benjamin Harris.

8. Bill for confirming and explaining the Charter granted to the City of Annapolis

9. Bill reviving the Act for Encouragement of Tillage and Relief of poor Debtors

10. Bill reviving the Act for laying an Imposition of three Pence p Gallon, on Rum and Wine, Brandy and Spirits and twenty Shillings p head on Negroes and Irish Servants.

11. Bill for Relief of poor Debtors and languishing Prisoners

12. Bill reviving the Act for Imposition of three Pence p Hogshead on Tobacco for defraying the publick Charge of the Province

13. Bill reviving the Act ascertaining the Height of Fences

14. Bill intituled an Additional Act to the Supplementary Act for the Advancement of Trade and erecting Ports and Towns &^{ta}

15. Bill confirming & making valid the last Will and Testament of Col^o John Contee deceased

16. Bill directing the Manner of electing and summoning Delegates

17. Bill ascertaining Attorneys Fees &^{ta}

18. Bill reviving the Act for the Limitation of Officers Fees

19. Bill reviving the Act for the better ordering and regulating the Militia

20. Bill for Payment and Assessment of the publick Levy this present year 1708 &^{ta}

All which said Bills his Excellency was graciously pleased to enact into Laws by sealing each of them with the Great Seal of this Province and indorsing them severally as followeth

p. 211 December 17th 1708

On Behalf of our Sovereign Lady Ann Queen of Great Britain &^{ta}

I will this be a Law

John Seymour

After which his Excellency was pleased to declare that with the Advice of her Majesty's Honble Council he thought fit to prorogue this present General Assembly to the fifth Day of April next, and that he did prorogue them accordingly to the said fifth Day of April next. Thereupon M^r Speaker and the rest of the Members returned to the House and M^r Speaker took the Chair and declared to the House to what Time his Excellency was pleased to prorogue this present General

Assembly. And the House prorogue themselves to the said L. H. J. fifth Day of April next

So ended this first Session of Assembly on Friday the seventeenth Day of December in the seventh year of the Reign of our Sovereign Lady Anne Queen of Great Britain &^{ta} Annoq Dom 1708; his Excellency John Seymour Esq. being Governor
p Rich^d Dallam Cl. Ho. Del.

An Ordinance directing and empowering the Justices of the County Courts to grant Licenses to Ordinary-Keepers and take Recognizances for their keeping good Rules and Orders in their Houses and settling the Rates of Liquors &c^a

Whereas the Act of Assembly for regulating Ordinarys will expire on Conclusion of this present Session, and inasmuch as her most Sacred Majesty upon the Suggestion of S^r Thomas Lawrence Barronet who had a Patent for the Secretary's Office from his late Majesty King William the Third of Glorious Memory has commanded his Excellency John Seymour Esq^r her Capt. General and Governor of this Province not to pass any Law for the future whereby the Advantages of the Ordinary Licenses shall be taken from the Secretary's Office, so that consequently there will want an Act of Assembly authorizing the Commissioners of the several County Courts to take Security of the several Ordinary Keepers to keep good Rules and Orders in their Houses as the Law of England direct and for settling the Rate of Liquors, Now forasmuch as this General Assembly do humbly conceive that the Fines of those Licenses are no Perquisite or incident to the Secretary's Office, and that Sir Thomas Lawrence is no Ways intitled thereto and have Resolved to address her Most Sacred Majesty the Queen in Answer to the said S^r Thomas Lawrence's unjust Complaint. We do by and with the Consent of her Majesty's Honble Council Statute and Ordain That no Person whatsoever shall, until her Majesty's Pleasure be further known herein presume to keep Ordinary or vend any Liquors in their Houses and Plantations by Retail until they obtain Licenses from the Justices of the County Courts, for so doing, and enter into Recognizances with sufficient Security for keeping good Rules and Orders in their Houses according as the Laws of England direct.

And the said Justices are hereby empowered to grant such Licenses and to take such Recognizances as aforesaid in such Sums as they shall think fit and reasonable and to settle the Rates of Liquors as they have formerly done. Of which all Ordinary Keepers are to take Notice on Pain of their being severally prosecuted for their Contempt of this Ordinance and incurring the Displeasure of this Assembly. p. 212

L. H. J.

By the House of Delegates 9th December 1708

Read and assented to by the House of Delegates

Signed p Order Rich^d Dallam Cl. Ho. Del.

By the Council in Assembly December 9th 1708

Her Majesty's Honble Council have read and assented hereto.

Signed p Order W Bladen Cl. Co.

ACTS.

Maryland ss.

Lib. L. L.
No. 64.
p. 337

Att a session of Assembly begun and held at the City of Annapolis In the County of Ann Arundell the Twenty ninth Day of November in the Seaventh year of the Reigne of Our Sovereigne Lady Queen Anne of Great Brittain france and Ireland and the Dominions and Territorys thereto belonging Defender of the ffaith &c Annoque Dni One thousand seaven hundred and Eight his Excellency John Seymour Esq^r being Governor.

Were Enacted the Laws following

An Act for reliefe of Poor Debtors and languishing Prisoners.

Whereas it is Represented to this present Generall Assembly that dureing this warr the low price for tobacco the only Staple Comodity of this province and the many losses they have had at Sea have run many honest well meaning persons inhabitants of this province farther in Debt than they are able to pay thereby oblidging many of them to leave their habitations and fly out of this Province unto other Colonys for their Liberty and others actually to be imprisoned for Debt or Damages to the Great Charge of the Country and lessening her Sacred Majestys Revenue which this Present Generall Assembly considering do pray that it may be Enacted

And be it Enacted by the Queens most Excellent Maj^{ty} by and with the advice and Consent of her Maj^{ty}s Governour Councill and Assembly of this province and the authority of the same that the severall and respective Justices of Oyer and Terminer in the severall County Courts of this province shall be and by this act are impowred authorized and appointed to Call and Cause to Come before them or any three of them whereof one to be of the Quorum any Debtor or Debtors who on the first day of January now next Comeing shall be actually in prison or Custody of any Sherriffe or Goaler within this province for any Debt or Damage or upon any attachment or Execution or any other process Issued or Issueing out of any the Courts of this province who have not wherewith to maintaine him her or themselves without being burthensome or Chargeable to relations Country Sherriffe or Goaler as also the Creditor or Creditors at whose suite such prisoners are in prison detained their Executors or Administrators Agents or

p. 338

Lib. L. L. Attorneys in fact as also the Sherriffe or Goaler in whose Custody such Debtors are detained with the Cause of such their detainer. Before which said Justices or any three of them as af^d such prisoner shall take the following Oath Viz. I, A. B. do upon my Corporall Oath Solemnly proffess and declare before Almighty God that I have not any Estate Reall or Personall in Possession Reversion remainder or in Trust to the Value of five pounds Sterling in the whole more than what I have and will give up and Surrender or Sufficient to pay the debt or damages for which I am imprisoned and that I have not directly or Indirectly sold leased or otherwise Conveyed disposed of or intrusted all or any part of my Estate thereby to secure the same to receive or Expect any proffitt or advantage thereof, or deceive or defraud any Creditor or Creditors whatsoever to whom I stand indebted and that I was actually a prisoner in the Custody of Sherriffe at the Suite of on the day of and have so Continued unto this day without my own procurement or any ffraud or deceit whatsoever. So help me God.

And the said Justices or any three of them as aforesaid are hereby impowered to administer such Oath and to Examine the Debtor or any other person upon Oath about his poverty and of the notice given to Such Sherriffe Goaler and Creditor^s of the Cause and Time of such prisoners Comeing before such Justices as af^d And if upon such Examination the said Justices or any three of them as af^d shall find such Debtors or prisoners to be really poore and not able to maintaine themselves without being Chargeable to Sherriff relations or Country as af^d that then it shall and may be Lawfull to and for such Justices or any three of them as aforesaid to give notice to the Creditor or Creditors their Executors and administrators agents or attorneys to appeare before them or any three of them as aforesaid at a Certaine time and place to be by them appointed for that purpose to shew Cause why such Debtor or debtors should not be discharged and if such Creditors their Executors or administrators agents or attorneys will not appeare or appearing do not shew Cause by the said Justices to be allowed of why such prisoner should not be discharged and will not Consent to the discharge of such prisoner but Insist to have such Prisoner detained and kept Longer in prison—That then such Creditor shall before such Justices or any three of them as aforesaid give good security to pay and allow to such prisoner the Summe of Twenty pounds of tobacco p Diem for his maintainance in Prison. And if within the space of Sixty days after such Security Given such Creditor do not make it appeare the debtor had any Estate which he did not bring to light and render an account of to the said Justices or shall

refuse longer to Continue such allowance that then it shall and may be Lawfull for such Justices or any three of them as aforesaid to discharge such Prisoner out of Prison which Discharge Signed and Sealed by the said Justices or any three of them as aforesaid shall Save harmless every Sherriffe or Goaler out of whose Custody any such Prisoner shall be released or discharged and the said Justices or any three of them as aforesaid shall give unto such Prisoner a duplicate of such discharge.

Lib. L. L.
No. 64.

Provided alwaies that this Act nor any thing therein Contained shall discharge or be Construed to discharge any bond bill obligatory or Bills of Exchange where any pson or psons is or are Joyntly or severally bound or obliged with such Debtor or any other Security, Given for payment of any Debt but the pson of the debtor only nor any Debt or offence due to her Sacred Maj^{ty} the Queen.

And be it further Enacted by the authority advice and Consent aforesaid that if any Prisoner so as aforesaid discharged shall be arrested againe for any Debt already Contracted or hereafter dureing the Continuance of this Act to be Contracted such Prisoner upon Shewing the duplicate of his discharge as aforesaid and summoning the Plaintiffe or Creditor his attorney or agent before any two Justices whereof one to be of the Quorum shall be by such Justices discharged from such arrest upon an appearance given And the pson of such Debtor shall be for Ever free and Clearly discharged from such Debts be such arrest upon meane process or otherwise however.

And be it further Enacted by the Authority advice and Consent aforesaid that if any pson Sherriffe Goaler or Creditor shall refuse to obey such order of such Justices or any three of them as aforesaid such pson Sherriffe Goaler or Creditor so refusing shall be fined by the said Justices for Every such offence the Sume of tenn pounds Sterling to be disposed of as the Justices at their next.

And be it further Enacted by the authority advice and Consent aforesaid that from and after the first day of January next Comeing it shall and may be Lawfull for any pson that shall be really and bonafide under any arrest or Execution for any Debt or Debts by him owing to any pson or psons either within this province or Elsewhere at the next County Court to be held for such County where such Debtors are in Prison to Surrender up and Give an account upon Oath to the said Justices of all his Estate reall and psonall according to the Oath herein before pscribed and declare his willingness to part with the same to be Equally devided among his Creditors in Satisfaction of their Debts upon which Surrender it shall and may be Lawfull to And for the said Justices or any three of them as aforesaid and they are hereby impowered to Cause

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Lib. L. L. notice to be given to all his Creditors to appeare at a Certain
 No. 64. Time and place by them to be litted and not less than Sixty
 days after such Court there to see such Debtors Estates to be
 Inventoryed appraised and Vallued and render an account to
 the said Justices of their Debts due from such Debtors and
 after such appraisement the said Justices are hereby Impowered
 to sell the same by way of Auction or otherwise as to them
 shall seem meet and the mony or Tobacco Ariseing by such Sale
 Equally to devide by an Equall proportion in the pound among
 all Creditors of such debtors in full satisfaction of their Debts.
 And that Immediately upon the surrender up of the said Debtors
 Estate as aforesaid to the said Justices the body of such Debtor
 shall be discharged out of Prison and from thenceforth be for
 Ever free and Clear from such arrest & all Debts by them
 Contracted before that time and that the Sherriffe in whose
 Custody such Debtors are or shall be at the time of such sur-
 render shall not keep or detain any debtors in prison for any
 ffees or debt to them oweing but shall be paid their Debts
 or ffees to them due proportionably as other Creditors and
 the said Justices are hereby impowered to discharge such
 Debtors out of Custody as aforesaid by warrant under their
 hands and Seales or the hands and Seales of any three of them
 as aforesaid which warrant they are hereby required to give
 p. 341 to such Debtors or prisoners without any fee or reward save
 only a small ffee by the said Justices to be appointed to be paid
 to the Clerke of the County Court for Entring the Courts
 proceedings therein.

And be it further Enacted by the authority advice and Con-
 sent aforesaid that all and Every Sale or Sales that shall be
 made by the said Justices or any three of them of such Debtors
 Estate as aforesaid shall be good and Valid in Law and barr
 the debtor and his wife if any of her dower and their heires
 and all others Claiming under them to all Intents Construc-
 tions and purposes whatsoever. And be it further Enacted
 that no prisoner shall be discharged out of Prison untill he
 shall declare upon oath before the said Justices or any three
 of them as aforesaid what Debts are owing to him to the best
 of his remembrance a Schedule whereof shall be made or kept
 by the said Justices or Clarke of the County Court and the
 Creditors or such of them as will Joyne shall be and are hereby
 impowred to sue for the same in the prisoners name Saving
 him harmless from all Costs and damages and after Recovery
 of all or any of such debts they shall be by the said Justices
 applied towards Satisfaction of such Creditors who sued or
 was at the Charge of Recovering the same rendring the
 overplus if any To such Debtor.

And be it further Enacted by the authority advice and Consent aforesaid that all poore Debtors that shall be discharged by Virtue of this act shall also be discharged from all imprisonment fees due to any Sherriffe or Goaler or any preceeding Sherriff or Goaler where they have been turned over from one to another and of and from all Bill Bonds or other Securitys given therefore.

Lib. L. L.
No. 64.

And Whereas it may so happen that many Creditors of the aforesaid debtors who shall surrender up their Estate in Satisfaction of their Debts as aforesaid may Live out of this Province and Cannot in a short time have notice of such Debtors being discharged and Come and Claime or demand their Debts and to prevent such Creditors from looseing their Divident Be It Enacted by the authority advice and Consent aforesaid that where the Justices aforesaid find any such Creditors to live out of this Province they shall and are hereby required to give twelve months time for such Creditors to Come and Claime their debts and receive their proportionable Dividents out of the said Debtors Estate and shall not divide the same before the end of twelve months as aforesaid.

And be it further Enacted by the Authority advice and Consent aforesaid that if any person shall be sued or prosecuted for any matter or thing done by Vertue of this Act or in obedience thereunto such person may and is hereby authorized and impowred to plead the Generall Issue and to give this Act and the Speciall matter in Evidence and if the plaintiff be non suite discontinue his action or Verdict pass against him the defendant shall recover treble Costs of Suite.

P. 342

And be it further Enacted by the authority advice and Consent aforesaid that if any person whatsoever who shall be discharged out of prison or receive any beniffitt by this Act shall wittingly and willingly Comitt any wilfull and Corrupt perjury or wittingly or willingly forswear themselves such person being Legally Convicted thereof by Confession or Verdict of twelve men shall be Guilty of ffelony and suffer death as a felon Provided alwaies that nothing in this Act shall Extend or be Construed to Extend to discharge any person out of prison who is not actually a prisoner or in Custody for the Summe of five pounds sterling or one thousand pounds of Tobacco. And provided also and it is hereby declared that the said Justices or any three of them as aforesaid that shall sell and dispose of any debtors Estate shall have full power Liberty and authority to allow unto such Debtor out of his Estate as aforesaid before any division made, his bed and ffurniture a pott pann and other necessary working tooles and necessarys not Exceeding five pounds Sterling to any debtor.

Lib. L. L.
No. 64.

And be it further Enacted and declared that all Sales made after the end of this Session of Assembly by any debtor of any of his Estate Either Reall or personall to any person whatsoever during the time of his Imprisonment shall be null and Void to all Intents and purposes whatsoever. This Act to Continue for three yeares and untill the end of the next Session of Assembly which shall happen after the end of the said three yeares.

By the house of Delegates 16th December 1708.

Read and assented to by the house of Delegates.

Signed p order Rich^d Dallam Cl house Del.

December the 16th 1708.

Then was this bill read and assented to by her Maj^{ty's} hon^{ble} Councill & Signed p order

W Bladen Cl Council.

December 17th 1708.

On behalfe of our Sovereigne Lady Ann Queen of Great Brittain &^{ca} I will this be a law.

Jo: Seymour

- p. 343 An Act impowring Trustees to Sell Severall Parcell's of Land late the Estate and Inheritance of Thomas Stirling deceased for Redemption of a mortgage made by him to John Hyde of London Merchant for the benefitt of Christian Stirling a minor.

Whereas Thomas Stirling late of Calvert County deceased the fourteenth Day of January in the yeare of our Lord one thousand seven hundred and foure for the Consideration of three hundred thirty four pounds four shillings and five pence sterling did Grant bargain and Sell or otherwise make over and Confirme unto John Hyde of London Merchant and his heirs and assignes for Ever A Certaine Tract of Land lyeing in Calvert County Called or known by the name of Major Choice Containeing five hundred acres more or Less together with four negroes or Slaves Called by the names of Tom Cesar Jenny and Pathena. To hold to him the said John Hyde his heires Executors administrators and assignes for Ever Subject Nevertheless to a Certain Provisoe or Condition therein Contained. That if the said Thomas Stirling his heirs Executors or Administrators should pay or Cause to be paid unto the said John Hyde his heirs Executors administrators or assignes the said sume of three hundred thirty four pounds four shil-

lings and five pence Sterling with Lawfull Interest for the same at such Times as by the same provisoe is limited and appointed for payment thereof as in and by the said deed remaining upon Record in the Secretary's office may appear. Lib. L. L.
No. 64.

And whereas Alexander Frazier Chyrurgeon and Sarah his Wife and Relict and adminstratrix of the said Thomas Stirling deceased have by their humble petition to this present Generall Assembly sett forth that the said Thomas Stirling in his Life time after the makeing the mortgage aforesaid did designe and intend to devise other Lands of his to be sold for Redemption of the said Mortgaged premises but before such bequest made dyed suddenly and administration of all his Goods and Chattells rights and Creditts was Committed to the said Sarah whilst sole which personall Estate was not sufficient to pay the Debts of the said Thomas Stirling over and beside the said Mortgage and that the said Mortgage was made without the privy or Consent of the said Sarah and the said Thomas Stirling leaving behinde him a Considerable reall Estate and but only one Child or Daughter Called Christian his only heir and now a minor and that the Land so as aforesaid Mortgaged was the mation or Dwelling plantation of the said Thomas Stirling and with the improvements of farr Greater Value than the sume for which it was mortgaged but before the same Could be Redeemed by the said Christian who is of tender years the interest thereof would wholly Eat up and Consume the said mortgaged premises and therefore humbly supplicated this present Generall Assembly that some persons might be appointed Trustees on behalfe of the said Orphan and Impowred by act of this Generall Assembly to sell and dispose of the Lands by the said Thomas Stirling designed to be devised to be sold for Redemption of the said Mortgaged Premises which being by this Generall Assembly thought Reasonable P. 344

Be it Enacted by the Queens most Excellent majesty by and with the advice and Consent of her Majestys Governour Councill and Assembly of this province and the Authority of the same that the honourable William Holland Esq^r one of her Majestys Honourable Councill of Maryland Charles Carroll of the City of Annapolis Esq^r John Mackall and Richard Dallam of Calvert County Gentlemen or any three of them shall be and are by Vertue of this Act Constituted and appointed Trustees to act to and for the Vse and benefitt and on behalfe of the said Christian Stirling the Daughter of the said Thomas Stirling And shall be and are hereby authorised and Impowred by themselves or together with the said Sarah to sell and dispose of to the best purchasor or purchasors or him her or them that will give most for the same The Severall Lands or plantations following (that is to say) one thousand acres of Land lying in Balte-

Lib. L. L.
No. 64.

more County part of a Tract of Land Called Nova Scotie one other peice of Land lying in the said County of Baltemore Containing one hundred and thirty acres (more or less) Called or known by the name of Stirling's purchase and one other Tract of Land lying in Calvert County aforesaid called Stirlings perch Containing three hundred acres more or less And shall be and are by this Present Act Authorized impowered and Enabled to make over and Confirme by Deed or Deeds Indented or by other ways or meanes whatsoever either with or without the said Sarah the said Lands and Premisses to such purchasor or purchasors and their heirs and assignes for Ever and that such purchasor or purchasors and their heires and assignes shall by Vertue of such Deed or Deeds so as aforesaid to be made by the said Trustees or any three of them and of this Present Act be Enabled to take have hold and Enjoy such and so many of the aforesaid Lands and premises as shall be Contained in such Deed or Deeds as aforesaid the Coverture of the said Sarah or the Infancy of the said Christian or any law Vsage Statute or Custome to the Contrary notwithstanding.

P. 345 And be it further Enacted by the authority advice and Consent aforesaid that the aforesaid Trustees or such three of them as shall make such Sale as aforesaid shall apply the mony ariseing by Vertue of such Sale towards payment and Satisfaction of the said mortgage to the said John Hyde and to and for no other Vse intent or purpose whatsoever. And that upon payment or Satisfaction of the said three hundred thirty four pounds four shillings and five pence Sterling and interest to the said John Hyde or his assignes the said John Hyde his attorney or agent here shall Give unto the said Trustees or any three of them a full and sufficient Release or discharge for the same in full Satisfaction and payment of the said Mortgage and that such Release or discharge being recorded in the Secretary's office shall be a full and sufficient barr and Revocation of the said Mortgage and shall disanull and make Void the same as fully and Effectually to all intents and purposes as if the same had never been had or made any Law Statute Vssage or Custome to the Contrary notwithstanding.

And be it further Enacted by the authority advice and Consent aforesaid that from and after the payment and discharge of the said Mortgage the said Land Called Major's Choice togeather with the said four negroes Slaves therewith Mortgaged shall be settled and Vested in the said Trustees to and for the use and benefitt of the said Christian Stirling and her heirs and assignes forever and the said four slaves shall not be accounted part or parcell of the Personall Estate of the said Thomas Stirling deceased nor Lyable to pay any of his Debts but shall be acquitted and discharged therefrom and protected

and not Lyable to any Execution or attachment whatsoever saving to the said Sarah her thirds of the said Land Called Major's Choice and Negros aforesaid any law Statute Vsage or Custome to the Contrary notwithstanding. Lib. L. L.
No. 64.

And be it further Enacted by the authority advice and Consent aforesaid that if it shall so happen that the said Sarah shall dye or depart this province before the said Christian shall attain to full age or marriage that then the said Christian with all her Lands Tenements and Negros and all other things to her belonging or appertaining shall be under the Guardianship or wardship of the said W^m Holland John Mackall and Richard Dallam some or one of them who are by this act Constituted and appointed her Guardian or Guardians any law Statute Usage or Custome to the Contrary notwithstanding.

And be it further Enacted by the authority advice and Consent aforesaid that if it so happen that the said Land by this act appointed to be sold for Redemption of the said Mortgage shall not Raise mony Sufficient to reedeme the same that then it shall and may be Lawfull to and for the said Trustees or any three of them either with or without the said Sarah to sell so much other Land out of Stirlings nest and next adjoining to the Land Called Stirlings Perch belonging to the said Christian as will make up the mony ariseing by the Sale of the aforesaid Lands the sume to discharge the said Mortgage and that such Sale shall be Good and Valid in Law and bindeing to the said Sarah and Christian and all Claimeing under them the Coverture of the said Sarah or the Infancy of the said Christian or any Law Statute Vssage or Custome to the Contrary notwithstanding. p. 346

And be it further Enacted by the authority advice and Consent aforesaid, That it shall and may be Lawfull to and for the said Trustees to allow unto the said Sarah out of the money ariseing by the Sale of the Land aforesaid or out of the Labour of the said Negro^s all her Cost and Charges by her Expended In the procureing of or for passing this present Act and that If any money ariseing by such Sales as aforesaid shall remaine after the paying of the said Mortgage and the Charge aforesaid that then the same shall be by the said Trustees or any three of them applied to and for the Vse and benefitt of the said Christian Stirling only, anything in this Act to the Contrary notwithstanding.

By the house of Delegates 15th December 1708

Read and assented to by the house of Delegates signed p ord^r
Richard Dallam Cl ho: Del.

Lib. L. L.
No. 64.

December the 15th 1708.

Then was this bill read and assented to by her Majestys
hon^{ble} Councill & Sign'd p order.

W Bladen Cl Council

Decemb the 17th 1708

On behalfe of our Sovereigne Lady Ann Queen of Great
Brittain &c^a I will this be a Law

Jo: Seymour

- p. 347 An Additionall Act to the Supplementary Act for advance-
ment of Trade and Erecting Ports and Townes in this
Province and for Sale of some publick Lands and buildings
in the Town of S^t Maries in S^t Maries County.

Whereas severall Inhabitants of this Province have humbly
Supplicated his Excellency the Governour and this Present
Generall Assembly that for the better Conveniency in Trade
they may have some other Townes Errected and appointed in
the Severall Countys hereafter named and that such Townes
be Errected and Constituted with the like priviledges as
Townes heretofore have been Errected pursuant to an Act of
Assembly intituled an Act for advancement of Trade and
Errecting Ports and Townes in the Province of Maryland made
at An Assembly begun and held at the Port of Annapolis the
second Day of Aprill one thousand seven hundred and six
Therefore pray that it may be Enacted.

And be it Enacted by the Queens most Excellent Ma-
jesty by and with the advice and Consent of her majestys
Governour Councill and Assembly of this province and
the authority of the same that the severall and Respective
Comissioners herein after named be and are by this Act Au-
thorized and empowered to purchase and Cause to be Survey'd
Laid out and divided into Lotts the Severall and Respective
Lands herein after menconed and appointed for Townes,
according to the same Rules and Directions in the said Recited
act Contained on or before the Last Day of May next (that is
to say) fifty acres of Land in Sinepuxent Neck in Somersett
County on the Land of John Walton ffifty acres of Land in
Queen Annes County at the mouth of Tuckahoe Creeke on
or neare the Land of Collonall Nicholas Low ffifty acres of
Land at Chester fferry at or neare the place where the old
Court house stood in Kent County and fifty acres of Land at
Shepherds old feilds near the head of Brittain's Bay in S^t
Maryes County on the Land of Phillip Lynes Esq^r which said
Townes shall be Laid out and devided into one hundred Lotts

according to the Discession of the Commissioners hereinafter named. Lib. L. L.
No. 64.

And to that End Be it Enacted by the authority advice and Consent aforesaid that for the Town in Somerset County Cap^t John West Capt. John Francklin M^r Joseph Grey M^r William Robinson M^r William Fansett M^r Mathew Scarbrough M^r Samuell Hopkins Captaine William Rounds and M^r Thomas Purnell, For the Town in Queen Annes County M^r Philemon Hemsley M^r Thomas ffisher M^r William Clayton Sen^r M^r Nathaniell Wright M^r Solomon Wright Cap^t John Needles Coll Nicholas Lowe M^r William Cheatle and M^r Robert Hobbs. For the Town in Kent County M^r John Carvill M^r Daniell Peirce M^r Thomas Covington M^r Edward Bathurst, Capt. William Potts Capt. Edward Plastoe M^r Arthur Miller M^r William Bateman and M^r Phillip Hoskins. And for the Town in S^t Maries County L^t Coll. William Asquith Capt. Henry Peregrine Jowles Cap^t Thomas Truman Greenfeild M^r Joshua Guibert M^r Adam Bell M^r Richard Vowles and M^r Samuell Williamson, who are hereby appointed Comissioners for the said Townes or the Major part of them are hereby authorized and Empowered in all Respects to act and doe according to the Direction of the said Recited Act of Assembly for Erecting ports and Townes. P. 348

And whereas the Inhabitants of St. Maries County have Represented to this present Generall Assembly the Remoteness of the scituation of their County Court house from the Greater part of the Inhabitants, which appeared to this Generall Assembly to be altogether inconvenient, and its pray'd the same might be Removed to some more Convenient place for the Ease of the Greater part of the Inhabitants there, and whereas it is thought that the aforesaid Land Called Shephards old feild is neer the Center of the said S^t Mary's County Therefore prayd that it may be Enacted.

And be it Therefore Enacted by the Authority aforesaid by and with the advice and Consent aforesaid that the County Court for S^t Maries County shall for the future be held and kept at the said Town to be Erected in Shepherds old feilds as aforesaid And for building and Erecting the said Court house the Comissioners aforesaid appointed for S^t Maries County or the major part of them are hereby authorized and Empowered to treat and agree with undertakers and workmen and to doe other matters and things that shall be thought necessary for building and finishing the said Court house.

And be it further Enacted by the authority aforesaid by and with the advice and Consent aforesaid that the Justices of S^t Maries County Court for the time being or the major part of them, by this act are Empowered and required to Leavy what P. 349

Lib. L. L. Tobacco shall be necessary by an Equall assessment on the
 No. 64. Inhabitants Taxables in the said County of S^t Maries not Ex-
 ceeding Twelve Thousand pounds of Tobacco to be Levyyed
 and Raised this present yeare and the Remaineing part to be
 Computed to be Levyyed in the same manner when the said
 Court house shall be finisht which tobacco is to be applied for
 building and finishing the said Court house any Law Vsage or
 Custome to the Contrary notwithstanding.

And be it further Enacted by the authority aforesaid by and
 with the advice and Consent aforesaid that in the mean Time
 and untill the said Court house be built as aforesaid it shall
 and may be Lawfull for the Justices of S^t Maries County Court
 or the Maj^r parte of them to hold and keep their County Court
 at the house of Thomas Cooper at the head Brittaines Bay near
 the said Shepherds old feild and that the said Justices for the
 said County be hereby empowered to meet at their Vsual
 time for holding their County Court in January and to adjourn
 their County Court togeather with all writts process and actions
 Returnable and Depending in the said Court untill the said
 Court to be holden for the said County the first Tuesday in
 March next at the house of Thomas Cooper aforesaid any
 thing in this act or any other act to the Contrary notwithstanding.

And forasmuch as it has been Represented to this Generall
 Assembly that severall of the Inhabitants of this province who
 have taken up Lotts in Severall Townes within this province,
 some whereof have began to build houses and made improve-
 ments pursuant to the Severall Acts for Trade, but for want of
 nailes and other Materialls to finish the same withall, by the
 time in the said Act prescribed are now apprehensive of
 Looseing their said Lott so taken up and not built upon as the
 acts Require,

Be it therefore Enacted by the authority aforesaid that if
 any Person or Persons that have allready Taken up any Lotts
 and others that have Taken up Lotts And made any Improve-
 ments thereon in any Town in this province and have paid for
 the same by Vertue of the said acts of Trade he she or they
 p. 350 so takeing up any such Lotts, and made payment for the same
 and shall Errect and ffinish one good house to Contain four
 hundred Square feet Without Sheds at or before the Last Day
 of November next shall by Vertue thereof have hold and
 Enjoy to him and his heires for Ever a good Estate of Inheri-
 tance in ffee simple of in and to the said Lotts so built or to be
 built upon as aforesaid, with all Rights and Priviledges thereto
 belonging in as Large and ample manner to all intents and
 purposes as if the said Lotts had been built upon within the
 Time appointed by the before Recited acts anything in the

said Recited Acts or any other act to the Contrary in any wise notwithstanding. Lib. L. L.
No. 64.

And whereas the aforesaid Town named to be Errected at Sinepuxent in Somersett County is Represented to be alto-geather Incomodious for Shipping of Tobacco thence.

Be it Therefore Enacted and it is hereby Enacted by the Authority aforesaid by and with the advice and Consent aforesaid that noe Person or Persons whatsoever shall be Oblidged to take or Receive any Tobacco whatsoever that shall be brought to that Town in Sinepuxent or tendred there to be paid in Satisfaction of any Debt whatsoever now Due or hereafter shall become due or oweing without his or their Consent any Law Vsage or Custome to the Contrary notwithstanding.

And whereas the publick buildings and the Lands thereto belonging in the Town of S^t Maries in S^t Mary's County are now diverted from the Vse for which they were intended, therefore it is thought fitt the same be Sold and disposed of for the use of the publick.

Be it therefore Enacted by the authority aforesaid by and with the advice and Consent aforesaid that the Comissioners by this Law appointed to Lay out a Town in that County or the Major part of them are hereby empowered and directed to Expose to Sale the aforesaid publick Lands and buildings and the Reversion of such of them as are Leased out, to the best Purchasor or him or them that will give most for the same and that the produce thereof the said Comissioners shall and are hereby oblidged to Render an account to the next Sessions of Assembly in order that the said produce be appropriated to the use of the publick. p. 351

By the house of Delegates 16th December 1708.

Read and assented to by the house of Delegates.

Signed p order
Rich^d Dallam Cl: ho: Del.

December 16th 1708.

Then was this Bill read and Assented to by her Maj^{ty}s hon^{ble}
Councill & Sign'd p order W Bladen Cl. Council.

December 17th 1708

On the behalfe of our Sovereigne Lady Anne Queen of Great Brittain &^{ca} I will this be a law

Jo: Seymour:

Lib. L. L. An Act for Setling the Rates of fforreigne Silver Coyns within
No. 64. this province.

Whereas her Majesty having had under Consideration the Different Rates at which severall species of fforreigne Coynes do pass in her severall plantations and the inconveniences thereof by the Indirect practice of drawing the money from one plantation to another did issue her Royall Proclamation bearing date the Eighteenth day of June one thousand seven hundred and four for setling and ascertaining the Current Rate of fforreigne Coynes in the said plantations at Rates therein lymitted, and it being observed that the said proclamation did not procure the desired Effect. It was in the sixth year of her present Majestys Reigne by the Parliament of England Enacted in an Act Intituled an Act for ascertaineing the Rates of fforreigne Coynes in her Maj^{ty}s plantations in America That no person after the first day of May which shall be in the yeare of our Lord one thousand seven hundred and nine account Receive or pay any the Severall Species of fforreigne silver Coynes mentioned in the said proclamation at any Greater Rate that at which the Same is thereby Setled without being Subject to the paines and penaltys therein menconed.

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By which it is Conceived that her Gracious Majesty is desirous to Restraine our neighbouring plantations under proprietors from taking such advantages as they have hitherto practized against us under her immediate Commission and Government in Restraineing them from Advancing The Rates of silver Coyne higher then in the said proclamation is allowed and allowing us to Come up to the said Rates it is humbly pray'd that it may be Enacted.

And be it Enacted by the Queens most Excellent Maj^{ty} by and with the Advice and Consent of her Maj^{ty}s Governour Councill and Assembly of this province and the Authority of the same that from and after the first day of May which shall be in the yeare of our Lord one thousand seven hundred and nine the severall Species of fforreigne Silver Coyne mentioned in the said proclamation shall pass and be Current in this Province at the Rates therein menconed (that is to say) a peice of Eight of Seville pillar and Mexico weighing Seventeen penny halfe penny weight and of foure Shillings and Six pence Intrinsick Vallue shall pass Current at Six Shillings, and all other fforreigne Coynes shall pass proportionably thereto according to their weight and fineness (as by the Table hereunto added is sett forth) for the discharge of any Contracts or Bargaines made after the said first day of May one thousand seven hundred and nine and Likewise shall pass in payments of all Dutys and Impositions which Is for the Defraying the

Charges of this province and all officers fees which by the Laws are rated in mony. And in Reguard there is at Present little other money in this province than the Dollars Commonly Called dog dollars and they being neer such weight and fineness as that they would by the forementioned proportion pass at foure shillings and six pence. And the Inhabitants of this province being not so well acquainted with other florreigne Coynes nor at present Provided with weights and Scales it is humbly pray'd that it may be Enacted.

Lib. I. L.
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And be it further Enacted by the authority aforesaid that the said Dog dollars be Current in all payments as aforesaid at four shillings and Six pence as Vsual until such time as her Majesty her heires or Successors or the Generall Assembly of this province shall otherways ordain and Enact.

The Table before Mentioned.

Sevill Pillar and Mexico peices of Eight being Seventeen penny weight twelve graines and four Shillings and Six pence intrinsick Vallue to pass at Six Shillings. Sevill peices of Eight new Plate fourteen penny weight and three Shillings Seven pence intrinsick Vallue to pass at foure Shillings and nine pence.

Peru peices of Eight Seventeen penny weight twelve Graines and four Shilling five pence intrinsick Vallue to pass at five shillings and tenn pence. Cross Dollars Eighteen penny weight four graines and foure Shillings foure pence three farthings intrinsick Vallue to pass at five shillings and tenn pence. Dukatoons of fflanders Twenty penny weight twenty one Graines five shillings and six pence intrinsick Vallue to pass at Seven Shillings and four pence Ecus of ffrance or Silver Lewis Seventeen penny weight twelve Graines four shillings six pence intrinsick Vallue to pass at Six Shillings Crusadoes of Portugall Eleven penny weight four Graines two Shillings tenn pence intrinsick Vallue to pass at three Shillings and nine pence. Three Gilders peices of Holland twenty penny weight seven Graines five Shillings two pence intrinsick Vallue to pass at Six Shillings and Eleven pence. Old Rix Dollars of the Empire Eighteen penny weight tenn Graines four Shillings and six pence intrinsick Vallue to pass at six shillings. The halfe Quarters and other parts in proportion to the Denominations and light peices in proportion to their weight and the Currancy of all other Silver Coyne of the same or baser alloy shall after the said first Day of May stand regulated according to their weight and finess according and in proportion to the rate before limited and sett for peices of Eight of Sevill Pillar and Mexico.

Lib, L. L.
No. 64.
p. 354

By the house of Delegates 15th December 1708.

Read and assented to by the house of Delegates.

Signed p order Rich^d Dallam Cl: ho: Del:

December the 15th 1708.

Then was the bill read and assented to by her Maj^{ty's} hon^{ble} Councill & Signed p order.

W Bladen Cl Council

December the 17th 1708.

On the behalfe of our Sovereigne Lady Ann Queen of Great Brittain &c^a I will this be a Law

Jo: Seymour

An Act directing the manner of Electing and Summoning Delegates and Representatives to Serve in Succeeding Assemblys.

fforasmuch as the Chiefest and only foundation and Support of any Kingdom State or Commonwealth is the providing Establishing and Enacting good and wholesome Laws for the good rule and Government thereof and also upon any necessary and Emergent Occasion to raise and Levy money for the defraying the Charge of the said Government and the defence thereof neither of which according to the Constitution of this province Can be made ordained Established and Raised but by and with the Consent of the ffreemen of this province by their Severall Delegates and Representatives by them freely nominated Chosen and Elected to serve for their Severall Countys in Generall Assembly and forasmuch as the Safest and best rule for this province to follow in Electing such Delegates and Representatives is the presidents of the proceedings in parliments in England as near as the Constitution of this province will admitt The Governour Councill and delegates of this Present Generall Assembly do humbly pray that it may be Enacted.

And be it Enacted by the Queens most Excellent Majesty by and with the advice and Consent of her Maj^{ty's} Governour
p. 355 Councill and Assembly of this Province and the authority of the same that for the future when and as often as his Excellency the Governour of this province for the time being shall upon any accident and urgent affaire of this province think fitt to Call and Convene an Assembly and to send out Writts for Electing of Burgesses and Delegates to Serve in such Assembly such Writts shall Issue forth forty days at Least before

meeting of such Assembly the forme of which writt for Election of Delegates and Representatives shall be as followeth. Lib. L. L.
No. 64.
Anne by the Grace of God of Great Brittainne ffrance and Ireland Queen Defender of the ffaith &c.

To the Sherriffe of A., Greeting. These are to Comānd authorize and Impower you Imediately upon Receipt hereof to Call together three or more Justices of your County whereof one to be of the Quorum with the Clarke of the County Court who are hereby required to sitt as a Court and durement their Sitting by Vertue of your office to make or Cause to be made publick proclamation thereby Giveing notice to all the ffreemen of your said County who have within the said County a ffreehold of fifty acres of Land or a Visible Estate of forty pounds Sterling at the Least requireing them to appeare at your County Court house at a Certaine Time not Less than tenn days after such proclamation made for Electing and Chuseing Deputys and Delegates to serve for your said County in a Generall Assembly to be holden at the day of

To which time you shall adjourne your said Court and durement the Court sitting the said ffreemen so Required to appeare or the major part of such of them as shall then appeare shall and may and are hereby authorized and Required to Elect and Choose foure severall and sufficient ffreemen of your County each of them haveing a freehold of fifty acres of Land or a Visible Estate of forty pounds sterling at the least within your County whether the parties so Elected be present or absent the said Election to be made in such manner and forme as the Laws of England and this province does direct and provide and you are to incert the names of the said persons Elected in Certain Indentures to be then made between you the said Sherriff and the Electors (that is to say) two Indentures for Each Delegate each Indenture haveing thereto your hand and Seale and the hands and Seales of the Electors p. 356
that the said deputys and Delegates for themselves and the County aforesaid may have severally full & sufficient power to do and Consent to those things which then and there by the favour of God shall happen to be ordained by the advice and Consent of the Great Councill of this province Concerning such occasion and affaires as shall Relate to the Government State and defence thereof. But we will not in any wise that you or any other Sherriffe in our said province be Elected and that upon such Election you the said Sherriffe shall so soon as Conveniently may be give notice to the parties Elected if absent and Certifye and Transmitt to the Chancellor of this province for the time being one of the Two Severall and Respective Indentures affixed to these presents Close sealed up and directed to the Chancellor of this province for the time

Lib. L. L. being and the other part of the said Indentures you are to
 No. 64. keep for your Iustification Wittness &c. And be it further
 Enacted by the authority aforesaid that the aforesaid four Del-
 egates to be Elected in the Respective Countys within this
 province be and are hereby bound and obliged to attend the
 time and place of the meeting of such Assemblys without any
 further Writt or summons to be to them sent under the pen-
 altys of such fines as shall be by the said house of Assembly
 imposed upon them unless upon sufficient Excuse to be ad-
 mitted by the said house of Assembly their absence be dis-
 pensed withall any Law Vssage or Custome to the Contrary
 notwithstanding.

Provided also that no ordinary keeper within this province
 dureing the time of his ordinary keeping or any other Person
 disabled by any Law of England from sitting in parliament
 shall be Elected Chosen or Serve as a Deputy or representa-
 tive in the said Generall Assembly so to be hereafter Called
 Convened & appointed as aforesaid. And be it further En-
 acted by the authority aforesaid that any Sherriffe within this
 province who shall not give Speedy Notice to the Inhabitants
 of his County of the time and place where such Election shall be
 made as well by proclamation as aforesaid and by Causeing the
 same to be Read at all Churches Chappells and other publick
 places within his said County as also by notes thereof sett up
 P. 357 at such places thereby the better to Informe the Inhabitants of
 the County and if any Sherriffe as aforesaid who shall make
 or Cause to be made any undue or illegall Ellection or Returnes
 thereof or neglect to make Returnes of the Delegates so to be
 Elected by Indentures before the day of sitting of such Assem-
 bly pursuant to the direction of the said Writts shall for Every
 such fault be fined two hundred pounds Sterling one halfe to
 her Majesty her heires and Successors for the Support of
 Government and the other halfe to the Informer or him or
 them that shall sue for the same to be Recovered in any Court
 of Record within this province that may have Jurisdiction of
 the same by action of Debt bill plaint or Information wherein
 No Essoyne protection or wager of Law to be allowed. Pro-
 vided that this act nor anything herein Contained shall not
 Extend to be Construed to Exclude any County or Countys
 Citty or Cittys Borough or Borroughs hereafter to be Erected
 and made within this province from the Liberty of such Elec-
 tions of Delegates and Representatives as is before Expressed
 but that such writt as aforesaid shall upon Calling Every
 Generall Assembly of this province for the future be Directed
 to the Sherriffe of Every such County when the same shall be
 Erected and made into a County as aforesaid and to the
 Mayor Recorder and Aldermen of Every such City or Burrough

Commanding such Sherriffe or Mayor Recorder or Aldermen to Cause foure ffreemen of the said County and two ffreemen of the said City or Borough qualified as in the aforesaid writt is Expressed to serve as Delegates and Representatives of the same County City or Borrough in the Generall Assembly next Ensueing which said foure Delegates for Every such County and two for the City or Borrough shall from thenceforth be Reputed and Esteemed to be members of the house of the Generall Assembly of this province any thing in this act in any wise to the Contrary notwithstanding.

Lib. L. L.
No. 64.

And be it Enacted by the authority aforesaid that one Act of Assembly made at a sessions of Assembly begun and held at the Port and Town of Annapolis the fifth day of September in the third year of the Reigne of our Sovereigne Lady Queen Anne &c. Anno Domini one thousand seven hundred and foure Entituled An Act Directing the manner of Electing and Sum-
moning Delegates & Representatives to serve in succeeding Assemblies and Every Article Clause Matter and thing therein Contained shall be and is hereby repealed and made Void.

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By the house of Delegates 16th December 1708.

Read and assented to by the house of Delegates

Signed p Order. Rich^d Dallam Cl: ho: Del.

December 16th 1708

Then was this Bill read and Assented by her Maj^{ties} hon^{ble} Council

& Sign'd p order. W Bladen Cl Council.

December 17th 1708

On behalfe of our Sovereigne Lady Anne Queen of Great Brittain &c^a I will this be a Law.

Jo: Seymour

An Act Confirming the Title of a Certaine Tract of Land therein mentioned to John Hyde of the City of London Merchant and also Confirming unto the heire at Law of John Gandy late of the said City Marriner deceased all other the Lands in this province in the said Act mentioned.

Whereas John Hyde of the City of London merchant and Susannah Gandy Relict of John Gandy late of the said City of London marriner for and on behalfe of the heire at Law of the said John Gandy by their humble petition to the Generall Assembly of this province have Represented that the above

Lib. L. L.
No. 64.

named John Gandy did heretofore (Viz) upon the Thirtieth day of August one thousand seven hundred purchase of Richard Bourk late of the said City of London Gentleman a Certain Tract of Land lying in Chester River Called Readbourne and Containing one thousand acres more or Less orriginally taken up and Granted to one George Read the third day of January in the yeare of our Lord one thousand six hundred fifty nine and afterwards as it was supposed Escheated to the Right honourable the Lord Proprietary of this province for want of heire of the said George and by Judgment of the Provinciaall Court of this province upon Inquisition so adjudged the Twenty second day of March one thousand six hundred Eighty three & afterwards Viz. upon the third of february one thousand six hundred Eighty foure granted by the present Lord Baltemore unto the said Richard Bourk. That some Time in the yeare of our Lord one thousand seven hundred and Two the said John Gandy being Convinced that the said George Read had an heir at Law in that part of Great Brittain heretofore Called Scotland & being desirous to make himself a pfect Title to the said Land Employ'd an agent to purchase for him the Right of the said George Read not only to the aforesaid Tract of Land Called Readbourne but Likewise to two or three smaller Tracts of Land lying neare the River of Putuxent & Generally to all the Lands and Tenements whatsoever to which he the said George Read had any right & Title in this province which for a Valluable Consideration by the said John Gandy paid to the said George Reads heir at Law was Effected and firme deeds of Lease and Release duly Executed by the said heir at Law to the said John Gandy of the said Lands with power of Attorney by him directed to W^m Dent Gentleman deceased and Charles Carroll to acknowledge the said Deeds according to Act of Assembly of this province In such Cases to him the said John Gandy & his heires which was accordingly done by the said William Dent & Charles Carroll at the Provinciaall Court held In this province next before that in which the State house was burnt. That so It happened that the said deeds of Lease & Release with due & authentick probates thereof as also the authentick probates of the parties who Executed the same being the reall true and Rightfull heire at Law of the said George Read were burnt in the State house or Court house after the Clerke had made some progress in Recording the same whereby the said John Hydes Title who purchased for the Consideration of five hundred pounds Sterling from the said John Gandy the said Tract of Land Called Readbourne as by Authentick Deeds bearing date the Sixteenth Day of January one thousand seven hundred and foure may appeare & the said John Gandys

heires title to the other Lands not Sold to the said John Hyde are defective & not aiding by the Late Act of Assembly made for the releife of Ann Arundell County upon burning the said Court house the said Lands being not within the said County of Ann Arundell. Wherefore they humbly prayd that his Excellency the Governour Councill & Assembly of this province would give directions for a bill to be brought in for their Reliefe in the premisses

Lib. L. L.
No. 64.
p. 360

Vpon full Consideration whereof & due prooffe of the allegations in the said Petition Contained made it is Thought Just and Reasonable that the prayers of the said petitioners be Granted and the Lands in the said petition Specified Viz. the said Tract of Land Called Readbourne be Confirmed to the said John Hyde & his heires & all other the Lands & Tenements in this province to which the said George Read in the petition mentioned at the time of his Death had a just right & title & not otherwise any way alienated or Sold by his heir at Law or others haveing Right after his decease be Confirmed to the heire at Law of the said John Gandy and his heires.

Be it therefore Enacted by the Queens most Excellent Majesty by and with the advice & Consent of her Maj^{ties} Governour Councill & Assembly of this province and the authority of the same that the said Tract of Land Called Readbourne lying in Chester River aforesaid according to the orriginall bounds thereof be & stand hereby Confirmed unto him the said John Hyde his heires & assignes forever in as full large ample and beneficiall manner as if the said Deeds from the heire at Law of the said George Read to the said John Gandy and the acknowledgments thereof & the probates of the same as also the probates of the said heire his being the true and Rightfull heire of the said George Read and the said John Gandys Deeds to the said John Hyde and a due acknowledgment thereof had been Actually Recorded before the said fire whereby the said Court house was burnt did happen & in as full and ample manner as if such Record were still Extent.

And be it hereby further Enacted by & with the advice and Consent aforesaid that all other the Lands and Tenements within this province whereunto the said George Read at the Time of his death had a just Right and title and which were not at any Time afterwards aliened by his heir at Law or any other person right haveing so to do before the said John Gandys purchase of the same be and stand hereby Confirmed unto the said John Gandys heire at Law & his heires for Ever the Destruction of the said Deeds & Probates thereof so as aforesaid by fire or any other Defect of Acknowledgment or Recording the same in any wise notwithstanding.

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Lib. L. L.
No. 64.

By the house of Delegates 15th December 1708

Read and assented to by the house of Delegates.

Signed p order. Rich^d Dallam Cl: ho: Del:

December 15th 1708

Then was this bill read and assented to by her Maj^{ty}s hon^{ble}
Councill & Signed p order.

W Bladen Cl Council.

December the 17th 1708

On the behalfe of our Sovereigne Lady Ann Queen of Great
Brittain &c^a

I will this be a Law.

Jo: Seymour.

An Act Confirming and Explaining the Charter to the City of
Annapolis.

Whereas this present Generall Assembly have taken into
their Consideration the Charter lately granted to the City of
Annapolis & being desirous to give all due Encouragement to
Cohabitation have Resolved to Confirme the same Charter
and to Explain and Restrain some Clauses and Grants therein
Contained. They humbly pray that it may be Enacted. And
it is hereby Enacted by the Queens most Excellent Maj^{ty} by
and with the advice and Consent of her Maj^{ty}s Governour
Councill and Assembly of this province and by the authority
of the same that the said Charter to the City of Annapolis
bearing date at the said City on the Twenty second day of
November Anno one thousand Seven hundred and Eight in
the Seventh yeare of her Majestys Reigne Sealed with the
Great Seale of this her Maj^{ty}s Province and Signed with the
p. 362 signe manuell of his Excellency John Seymour Esq^r Capitaine
Generall and Governour in Chiefe thereof incorporateing the
Inhabitants of Annapolis into a City and body Corporate and
the severall Articles Clauses Grants powers authoritys and
Priviledges therein Contained shall by Vertue of this Act be
held taken stand remaine and be firme and Valid to all Intents
and purposes whatsoever within the same Charter mentioned
and Exprest—Subject nevertheless to the severall Restrictions
and Explanations herein Specified and declared that is to say
that it shall in no wise be intended Construed meant or Taken
to infringe the Libertys and Priviledges of the publick, either
in Reguard to the publick Lands and buildings by them here-
tofore purchased and built but that the same shall be Reserved
and Continued for Ever to the Vses and purposes to which

they have already been allotted and that all and Every the Judges and Justices of the severall Courts of Indicature which have Usually held their Courts within the same City in the publick Court house thereof shall and may Continue so to do and the Justices Commissioners and Sherrieff of Ann Arundell County shall have hold and Exercise their Jurisdiction in as full and ample manner to all Intents and purposes in the Port of Annapolis as heretofore had been Vsual.

Lib. I. L.
No. 64.

And be it further Enacted and declared that the by Laws to be made by the said Corporation shall not affect or be binding to any other the Inhabitants of this province but wholly Restrained to the Inhabitants and Residents of the said City and that the Clause in the said Charter Impowring the Corporation to sett Toll on horses Cattle and other Comoditys to be sold on the Two faire Days of the first of May and of S^t Michael the Archangell yearly shall not in any wise Enure be Construed or Extended to impowring the Corporation to assess any Toll or Impost upon Cattle Goods wares or merchandizes whatsoever to be sold therein if the Goods wares or merchandizes should not amount to the Vallue of Twenty shillings Current money, that then the sume of six pence shall be paid for the fee or toll thereof and for all goods &c^a Exceeding in Vallue five pounds Currant money, then It shall be Lawfull to assess the sume of Twelve pence Current money for the fee or toll thereof and no more, and whereas the Citizens and Burgesses of the severall Borroughs in England have formerly been allowed but halfe wages in Respect to the Salary of the Knights of the Shires,

P. 363

Be it therefore Enacted that the Citizens respecting the City of Annapolis shall only be allowed halfe the wages to the Delegates and Representatives as is and shall be allowed to the Delegates of the Severall Countys of this province and no more.

And whereas Wornell Hunt Esq^r the Present Recorder of the said City is not yet Quallified for that Trust by reason he hath not been resident in this province dureing the Terme of three yeares,

Nevertheless the said Wornell Hunt by Vertue of this Act shall be Deemed and thereby qualified and Enabled to hold and Execute the said office of Recorder of the City aforesaid any law Statute Vssage or Custome to the Contrary in any wise notwithstanding.

And be it Enacted by the advice and Consent aforesaid that the Land Called the Town Common be reserved & remaine to the Vse of the proper owner or owners unless the Citizens Can make it appeare to have made Satisfaction for the same the next Session of Assembly

Lib. L. L.
No. 68.

By the house of Delegates 13th December 1708.
Read & assented to by the house of Delegates.
Signed p order Rich^d Dallam Cl: ho: Del:

December 15th 1708

Then was this bill read & assented to by her Maj^{ty}s hon^{ble}
Councill &

Signed p Order W Bladen Cl. Council.

December 17th 1708

On behalfe of our Sovereigne Lady Ann Queen of Great
Brittaine &^{ca} I will this be a Law :

Jo: Seymour

p. 364 An Act ascertaineing fees to the Attorneys and Practitioners
of the Law in the Courts of this province & for Levying
of the same by way of Execution.

Be it Enacted by the Queens most Excellent Majesty by &
with the advice and Consent of her Maj^{ty}s Governour Councill
and Assembly of this province and the authority of the same
that from and after the end of this Present Session of Assem-
bly there shall be paid to any attorneys or other Person prac-
tiseing the Law in any of the County Courts of this province
for bringing prosecuteing or defending any action of what
nature or Quallity soever to finall Judgment agreement or other
End thereof the sume of one hundred pounds of Tobacco and
no more and to any Attorney or other Person practizeing the
Law in the Provinciall Court high Court of Chancery Comis-
sarys Court, Court of Vice admiralty for prosecuteing or de-
fending any appeales writts of Error or any other matter or
thing whatsoever before his Excellency the Governour and
Councill the severall Sumes hereafter Expressed and set Down
that is to say for prosecuting or defending any Cause plaint
or accon of what nature soever in the Provinciall Court to
finall Judgment agreement or other End thereof the sume of
ffoure hundred pounds of Tobacco and no more for any fee in
the High Court of Chancery and Court of Vice admiralty six
hundred pounds of Tobacco and no more and for any ffee in
the Comissarys Court foure hundred pounds of Tobacco and
no more for any fee upon any Writt of Error or appeale which
shall be before his Excellency the Governour and Councill Six
hundred pounds of Tobacco and no more for any fee to the
Clerk of the peace or Indictments in the County Court for any
Indictment presentment or Information the sume of one

hundred pounds of tobacco and no more and to her Majestys ^{Lib. L. L.}
Attorney Generall for any action in the provinciall Court at the ^{No. 64.}
suit of her Majesty Indictment presentment or Information the ^{p. 365}
sume of foure hundred pounds of tobacco and no more any
Law Statute or Custome In any wise notwithstanding.

And be it further Enacted by the authority advice and Consent aforesaid if any Attorney or any other person practising the Law in any of the said Courts doe presume to ask Receive take or demand any greater or Larger fee than before by this act appointed and be thereof Legally Convicted he shall be incapable to practice the Law in any Court of this province for the future.

And be it further Enacted by the Authority Advice and Consent aforesaid that all bills bonds or other Specialties taken by any Attorney or other pson practising the Law in any the aforesaid Courts or any Bills Bonds or other Specialties taken by any of the Clerks of any County Court of this province from and after the end of this Session of Assembly shall be Endorsed on the back side thereof for what matter or how the same did become due and for defect thereof all such Bills Bonds and Specialties shall be Void any Law Vssage or Custome to the Contrary notwithstanding.

And be it further Enacted by the authority advice & Consent aforesaid that the fee and fees herein before allowed to be taken by any attorney or other person practising the Law in any of the aforesaid Courts shall be Levied by way of Execution in such manner and forme as other officers fees are or have been Levied and all and Every the Sherriffs of the Severall Countys of this province are hereby oblided authorized and Empowred to Levy & Execute the same accordingly any Law statute or Custome to the Contrary notwithstanding.

And be it further Enacted by the authority advice and Consent aforesaid that no Clarkes of any Courts within this Province shall after the end of this present Session of Assembly deliver to any attorney Sherriffe or other pson any blank writt or Writts whatsoever on penalty of six thousand pounds of tobacco one halfe to her Maj^y her heires & Successors towards defraying the County Charge Where such offence shall be Comitted the other halfe to the Informer or him or them that will sue for the same to be recovered by accon of debt in any County Court of this province wherein no Essoyne protection ^{p. 366}
or wager of Law to be allowed

And be it further Enacted by the authority advice & Consent aforesaid that from and after the end of this Present Session of Assembly no attorney or other person whatsoever shall practize the Law in any of the Courts of this province without being admitted thereto by the Justices of the severall Courts

Lib. L. L. who are hereby Empowered to admitt and suspend them
 No. 64. (Salvo jure Corone) untill her Maj^{ty}s pleasure shall be known
 therein nor shall any Attorney or other pson practizeing the
 Law in this province be obliged to pay unto any Clerke of any
 County Court any ffee or fees due to them from any Person
 or Persons whatsoever Plaintiffs or Defendants liveing or
 Resideing within this province but such Clarkes shall or may
 take the same of such Plaintiffs or Defendants in the Countys
 where they Live any Law Statute Vsage Custome rule of
 Court or order from any persons to the Contrary notwith-
 standing.

Provided alwaies that nothing in this act shall Extend or be
 Construed to Extend to give right to any Courts of this prov-
 ince to admitt any Attorney or other person practizeing the
 Law to practise in any Court that has been allready refused so
 to do by his Excellency and her Majestys hon^{ble} Councill nor
 to any person that shall not Quallife himself by takeing the
 oaths appointed to be taken by Acts of Parliment for secureing
 the Succession & Limitation of the Crown & better secureing
 the Rights & Libertys of the Subject This Act to Continue
 for three yeares and from thence to the end of the next Ses-
 sion of Assembly after the said three yeares.

By the house of Del 16th December 1708:

Read & assented to by the house of Delegates.

Signed p Order. Rich^d Dallam Cl: ho: Del.

December the 16th 1708

Then was this bill read and assented to by her Maj^{ty}s hon^{ble}
 Councill & Sign'd p order

W Bladen Cl. Council

December 17th 1708.

On the behalfe of our Sovereigne Lady Anne Queen of
 Great Brittain &^{ca} I will this be a Law

Jo: Seymour

p. 367 An Act for payment and Assessment of the Publick Charge of
 this Province & Giveing time to the Sherrieff's to Demand
 publick dues till the first of March this present yeare one
 thousand Seven hundred and Eight.

Whereas there hath been three hundred Sixty nine thousand
 Two hundred fifty two pounds of tobacco and Six hundred

sixty two pounds and Eight pence Sterling laid out & Expended for the Publick Service of this province to the Seventeenth Day of December one thousand seven & Eight to the Intent the Same may be Satisfied & paid to whome the same is Due.

Lib. L. L.
No. 64.

Be it Enacted by the Queens most Excellent Maj^{ty} by and with the advice and Consent of her Majestys Governour Councill and Assembly of this Province and the Authority of the same that the said Summe of Six hundred Sixty two pounds and Eight pence money Sterl: be satisfied and paid to Whome the same is due out of the Publick Stock Lodged in the hands of the Treasurers of this Province and the said Summe of three hundred Sixty nine thousand two hundred fifty two pounds of tobacco be paid in manner and for me as the same is sett forth in a Journall of accounts allowed of and assented to by his Excellency the Governour and Councill and this present Generall Assembly the Seventeenth Day of December one thousand seven hundred & Eight.

And be it further Enacted by the authority advice & Consent aforesaid that the summe of three hundred sixty nine thousand two hundred fifty two pounds of tobacco be Levyed and assessed by an Equall Assessment upon the Persons or Estates of the Taxable Inhabitants of this province and be paid to the severall Persons to whome the same is due according to the accounts and disbursements for the necessary Charges of this province, which have been Examined Stated and allowed of as aforesaid Any Law Custome or Statute to the Contrary notwithstanding.

And Whereas in and by one act of Assembly of this Province Entituled an Act of Directions for the Sheriffs office, and for the more Easie payment of the publick and County Levy it is Enacted that no Sherriffe within this province should Levy by way of Execution any publick dues and officers fees upon the body Goods or Chattells of any the Inhabitants of this province Except they made a demand thereof at or before the Twentieth day of January for that Present Yeare and so successively Every yeare. Therefore this Present Generall Assembly takeing in Consideration that by Reason of their sitting so late this winter it Is thought impossible for the severall Sheriffs of this province to make Demands of the publick Dues and officers fees by the time appointed in the afore recited Act.

Be it therefore Enacted by the authority advice and Consent aforesaid, That for this present yeare the severall Sherriff within this province, shall have Liberty for and Vntill the first Day of March next, to demand the Publick Dues, and no Longer, & that if the same be demanded by that time it shall

Lib. L. L. be Lawfull for them to Execute for the same according to the
No. 68. Tenor of the said Recited Act, and that if any publick Creditor shall on or before the first day of March next Give notice to the Sherriffe of his Intentions to make Vse of the Tobacco due to such Creditor the Sherriff shall be obliged to pay the same & that if any Person whatsoever will pay money in the Roome of Tobacco for their Levys by the said first day of March next the Sherriffe shall be obliged to take receive & pay the same according to the directions of the said Recited Act anything in this act or any other Act Statute Vssage or Custome to the Contrary notwithstanding.

By the House of Del 17th December 1708

Read & assented to by the house of Del. Signed p order
Rich^d Dallam Cl: ho: Del:

December 17th 1708.

Then was this bill read and Assented to by her Maj^{ty}s hon^{ble} Councill & Signed p order

W Bladen Cl. Council.

December 17th 1708.

On the behalfe of our Sovereign Lady Anne Queen of Great Brittain &c^a I will this be a Law

Jo: Seymour

p. 369 An Act Ascertainning what Damages shall be allowed upon protested bills of Exchange.

Be it Enacted by the Queens most Excellent Maj^{ty} by & with the advice & Consent of her Maj^{ty}s Governour Councill and Assembly of this Province & the authority of the same that there shall be allowed and paid to any Person or Persons whatsoever having Just Cause to ask Demand Require of or implead any Person or Persons Whatsoever liveing or Residing in this province upon any bill of Exch^a drawn after the end of this Session of Assembly any sume or sumes of mony whatsoever payable in any part of Europe or the West Indies & brought in here protested the Summe of tenn pounds p Cent Damages over and above the Summe of money for which such bill shall be drawn with the allowance of three shillings and six pence for the protest and no more any Law Statute Vsage or Custome to the Contrary thereof notwithstanding.

And be it further Enacted by the Authority aforesaid that if any Person or Persons after the end of this Session of As-

sembly draw bills of Exchange upon any Person or persons ^{Lib. L. L.}
 Society or Company in Europe or the West Indies and the ^{No. 64.}
 same be protested and the protested bills be returned unto
 this province within five yeares After the Date of such bills
 that then the Debt Occasioned by the non acceptance or non
 payment of such bills shall be accounted a Debt of Equall
 nature with any Specialty and shall and may be Recovered by
 action of Debt in any Court of Record of this province without
 alleadging the Custome of Merchants in the Declaracon to-
 geather with tenn p Cent Damages and three Shillings &
 Six pence Charge of Protest as aforesaid of any drawer or
 Indorser of such bills of Exchange their Executors or admin-
 istrators Provided the same be first Legally demanded of such
 drawer or Indorser their Executors or administrators any Law
 Vssage or Custome to the Contrary notwithstanding.

And be it Enacted by the authority aforesaid that one Act ^{p. 370}
 of Assembly made at a session of Assembly begun and held
 at the port of Annapolis the fifth day of September in the
 third yeare of the Reigne of our Sovereigne Lady Queen
 Anne &c^a Annoq Dui one thousand seven hundred & foure
 Intituled an Act Ascertaineing what Damages shall be allowed
 upon protested bills of Exchange & Every article Clause mat-
 ter and thing therein Contained shall be & is hereby utterly
 repealed and made Void.

By the house of Delegates 14th December 1708

Read & assented to by the house of Delegates.

Signed p Order Rich^d Dallam Cl: ho: Del:

December 15th 1708

Then was the within Bill read & assented to by her Maj^{ty}s
 hon^{ble} Councill, & Sign'd p order B Bladen Cl. Council

December 17th 1708

On the behalfe of our Sovereigne Lady Anne Queen of
 Great Brittain &c^a I will this be a Law. Jo: Seymour

An Act impowring Certain Trustees to sell a Tract of Land in
 Talbot County Called ffranckford S^r Michaels late the
 Estate and Inheritance of W^m Harris late of Calvert County
 and with the money thereby ariseing to purchase other
 Lands for the Vse of Joseph Harris & Benjamin Harris sons
 of the said W^m Harris and the heires of their Bodys accord-
 ing to the direction of the Last will & Testam^t of the said
 W^m Harris.

Whereas it is Represented to this Present Generall Assem-
 bly that William Harris late of the Clifts in Calvert County ^{p. 371}

Lib. L. L.
No. 64. planter on the Twenty fifth day of March in the yeare of our Lord one thousand Six hundred ninty seven made his Last will & Testament in writeing and thereby gave unto his third Son Joseph Harris and to his fourth son Benjamin Harris all that Tract of Land lying in Talbot County Called by the name of ffranckford S^t Michael's to be Equally devided between them and to their heires Lawfully Begotton of their own bodys and if it should happen that the said Joseph should dye without such an heire then the said Benjamin to have the said Tract of Land or otherwise if the said Benjamin should dye leaveing no such heire then the said Joseph to have the said Tract of Land but in Case they both dye without heires to fall to the next heire at Law By which bequest the said Joseph and Benjamin are possest of an Estate Intayled on them and the heires of their bodys. And forasmuch as it doth not suite with the Inclination and Conveniency of the said Joseph and Benjamin to setle & Live upon the said Land they have humbly supplicated this Generall Assembly that Leave might be Given them to sell the said Tract of Land and with the mony thereby ariseing to purchase other Lands Subject to the same Vses in and by the said Last will & Testament of the said W^m Harris Limited & appointed which being thought Reasonable,

Be it therefore Enacted by the Queens most Excellent Majesty by and with the advice & Consent of her Maj^{ty}s Governour Councill & Assembly of this province and the authority of the same That Richard Johns John Hance & George Harris of Calvert County aforesaid or any two of them together with the said Joseph and Benjamin Harris shall be and are hereby authorized and impowred to sell and dispose of the said Tract of Land lying in Talbot County aforesaid Called ffranckford S^t Michael's to the best purchasor or purchasors or him or them that will Give most for the same and by Vertue of the said Will and of this present Act to Grant
p. 372 & Confirme unto such purchasor or purchasors & their heires by Deed or Deeds Indented an Estate in ffee simple and that such purchasor or purchasors by Vertue of such Deed or Deeds to them to be made shall have hold and Enjoy to him her or them & his her or their heires a good Estate of Inheritance In ffee simple any thing in the said last will & Testament of the said W^m Harris to the Contrary notwithstanding.

And be it further Enacted by the authority aforesaid by and with the advice and Consent aforesaid that the said Richard Johns John Hance and George Harris or any two of them together with the said Joseph and Benjamin Harris shall be and are hereby oblidged authorized and Required with the money ariseing by the Sale of the said Land Called ffranckford

S^t Michaels to buy and purchase other Lands lying in Calvert County aforesaid to and for the said Joseph and Benjamin Harris Equally to be devided between them & to the heires of their Bodys Subject to the same Vses intents and purposes as the said Land Called ffranckford S^t Michael's are now Subject to in and by the said last will and Testament of the said William Harris deceased and to and for no other Vse intent or purpose whatsoever And for as much as it is thought meet that before the Sale of the said Land security be Given by the Trustees that the mony to be advanced by the Sale thereof be applied to the Vse aforesaid

Be it therefore further Enacted by the authority aforesaid by and with the advice and Consent aforesaid that the said Richard Johns John Hance George Joseph and Benjamin Harris or any three of them before the disposall or Sale of the said Lands be and are hereby oblidge and Enjoyned to Enter into Recognizance before the Justices of Calvert County to our Sovereigne Lady the Queen in the sume of three hundred pounds Sterling with Condition that if the said Trustees do and shall well and truly apply the purchase money that shall or may arise by Sale of the Land aforesaid to the Vses Intents & purposes as by this Act is Intended then the Same to be Void.

By the house of Delegates 15th December 1708.

Read and Assented to by the house of Delegates.

Signed p order. Rich^d Dallam Cl: Ho: Del:

December the 15th 1708

Then was this Bill read and assented to by her Maj^{ty}s hon^{ble} Councill & Sign'd p order. W Bladen Cl. Council.

December 17th 1708.

On behalfe of our Sovereigne Lady Anne Queen of Great Brittain &c, I will this be a Law. J^o: Seymour

An Act for appointing Court Days in each Respective County within this province To the Intent that Court days may be ascertained and that the Comissioners within their Respective Countys may know when to attend

Be it Enacted by the Queens most Excellent Majesty by and with the advice and Consent of her Maj^{ty}s Governour Councill & Assembly of this Province and the Authority of the same that for the future there shall be held but foure County Courts

Lib. L. L. in one yeare (Viz) Somersett Kent Baltemore and St. Maries
 No. 64. County the first Tuesday in March June August and November
 Dorchester Cecell Ann Arundell and Charles County the
 second Tuesday in March June August and November in Talbot
 and Calvert County the third Tuesday in March June August
 and November Queen Annes and Prince Georges County the
 fourth Tuesday in March June August and November.

p. 374 And be it further Enacted by the authority aforesaid by and
 with the advice and Consent af^d that any two Justices of the
 severall and Respective County Courts aforesaid whereof one
 of them to be of the Quorum shall have full power and authority
 by Vertue of this Act when and as often as need shall Require
 to adjourne the said County Courts process and proceedings
 therein depending to such Short Time after as they shall see
 Convenient And that all actions Plaints Writts and other pro-
 cess and proceedings Continued or made returnable to January
 or february Courts next within this province be and Continue
 to March Court following and that one former Act of Assem-
 bly of this province Intituled an Act appointeing Court days in
 Each Respective County within this province and Every Clause
 therein be and are hereby Repealed.

By the house of Delegates 14th December 1708

Read and Assented to by the house of Delegates.

Signed p order. Rich^d Dallam Cl: ho: Del:

December the 14th 1708.

Then was this bill read & Assented to by her Maj^{ty's} hon^{ble}
 Councill. & Sign'd p order. W Bladen Cl Council.

December 17th 1708

On the behalfe of our Sovereigne Lady Anne Queen of
 Great Brittain &c^a I will this be a Law Jo: Seymour

An Act for Confirming and making Valid the last will &
 Testament of Colonell John Contee

Whereas Colonell John Contee late of Charles County de-
 ceased on thirty first Day of July one thousand seven hundred
 p. 375 and Eight made his Last will and Testament in writeing and
 now Recorded in the prerogative Court of this Province leave-
 ing Mary his wife Sole Executrix thereof and haveing well
 Considered and perused the same Will declared his full appro-
 bation thereof but before he Could Signe & sollemnly publish
 the same dyed suddenly. This present Generall Assembly

being well Informed thereof and willing (as in good Reason and Conscience obliged) to see the Will of the Dead performed do pray that it may be Enacted. And be it Enacted by the Queens most Excellent Maj^{ty} by and with the Advice and Consent of her Maj^{ty}s Governour Councill and Assembly of this province and the authority of the same That the af^d Last will & Testament of the said Colonel John Contee Recorded as af^d shall by the authority of this Assembly and by Vertue of this Act in all Courts and before all Judges be Held deemed reputed and taken to be the Last will and Testament of the af^d Colonell John Contee as if the same had been by him in his Life time actually Signed Sealed published and declared in the presence of the three witnesses who have proved the same in Comon forme & that the Severall Devises and bequests therein specified shall be deemed taken & adjudged to be of full force & Efficacy to all Intents and purposes whatsoever to intitule the severall Persons therein named and their heires & Assignes to the Goods Chattells Lands & Tenem^{ts} therein & thereby to them Expressed to be bequeathed & devised notwithstanding the Defect of the same Will not being Signed Sealed published & declared by the said Coll Contee any Law Statute Vsage or Custome to the Contrary in any wise notwithstanding.

By the house of Del 15th December 1708.

Read and assented to by the house of Del,

Signed p order Rich^d Dallam Cl: ho: Del:

December the 16th 1708.

Then was this bill read assented to by her Maj^{ty}s hon^{ble} Council.

Signed p order W Bladen Cl Council.

December 17th 1708.

On the behalf of our Sovereigne Lady Ann Queen of Great Brittain &c. I will this be a Law

Jo: Seymour

An Act for Naturalization of Benjamin Deffourr of Ann Arrundell County Planter Justus Englehard Kitchin of the same painter & James Robert of Calvert County planter. P. 376

Be it Enacted by the Queens most Excellent Majesty by and with the advice and consent of her Maj^{ty}s Governour Councill & Assembly of this province and the Authority of the same

Lib. L. L. That Benjamin Defourr of Ann Arundell County Planter a
No. 64. protestant native of France Justus Englehard Kitchin a German
& James Roberts a french protestant and all and Every of
them shall from henceforth be adjudged reputed & taken as
naturall borne people of this Province and that they and Every
of them by the authority af^d be Enabled & adjudged to all In-
tents and purposes to demand Challenge ask have hold and
Enjoy any Lands Tenements Rents & hereditaments to which
they might in any wise be Entitled as if they were free and
Naturall borne Subjects & people of this province and also
that they and Every of them shall and may be Enabled to main-
taine prosecute avow Justifie & defend all manner of Actions
suites pleas Complaints and other Demands whatsoever as liber-
rally franckly freely fully Lawfully and Securely as if they and
Every of them had been naturall borne people and Subjects
of this province any Law Statute Vsage or Custome to the
Contrary in any wise notwithstanding.

By the house of Delegates 15th December 1708
Read & assented to by the house of Delegates.
Signed p order. Rich^d Dallam Cl: ho: Del:

December 15th 1708.
Then was this bill read and assented to by her Maj^{ty}s hon^{ble}
Councill & Signed p order. W Bladen Cl Council.

December 17th 1708.
On the behalfe of our Sovereigne Lady Anne Queen of
Great Brittain &c^a I will this be a Law.
Jo: Seymour

p. 377 An Act Reviveing an Act of Assembly of this Province Intituled
an Act for the ordering and Regulating the Militia of this
Province for the better defence and Security thereof made
at a Session of Assembly begun and held at the Port of
Annapolis December the sixth Anno Dni one thousand
seven hundred and foure.

Be it Enacted by the Queens most Excellent Maj^{ty} by &
with the advice and Consent of her Maj^{ty}s Governour Councill
and Assembly of this province and the Authority of the same
That the above mentioned Act Intituled an Act for the order-
ing and Regulateing the Millitia of this Province for the better
security and defence thereof be and is hereby revived and
Continued in full force and Strength from and after this

Present Session of Assembly for and untill the end of the next Session of Assembly and no Longer. Lib. L. L.
No. 64.

By the house of Delegates 17th December 1708.

Read & assented to by the house of Delegates

Signed p order. Rich^d Dallam Cl: ho: Del:

December 17th 1708.

Then was this Bill read & assented to by her Maj^{ty}s hon^{ble} Council

& Signed p order. W Bladen Cl Council

December 17th 1708

On behalfe of our Sovereigne Lady Anne Queen of Great Brittain &^{ca} I will this be a Law. Jo: Seymour

An Act Reviveing an Act of Assembly of this province. Intituled an Act Imposing three pence p Gallon on Rum and Wine Brandy and Spiritts and Twenty Shillings p poll for Negroes for Raiseing a supply to defray the publick Charge of this province and Twenty Shillings p poll on Irish Servants to prevent the Importing too Great a number of Irish Papists into this province made at a Session of Assembly begun & held at the Port of Annapolis December the fifth Anno Dni 1704. P. 37⁸

Be it Enacted by the Queens most Excellent Maj^{ty} by and with the advice and Consent of her Maj^{ty}s Governour Council and Assembly of this province & the authority of the same That the above mentioned Act Intituled an Act Imposing Three pence p Gallon on Rum and wine Brandy and Spiritts and Twenty Shillings p poll for Negroes for Raiseing a Supply to defray the publick Charge of this province and Twenty Shillings p poll on Irish servants to prevent the Importing too Great a number of Irish Papists into this province. Be and is hereby revived and Continued in full force & strength from and after this Present Session of Assembly for three yeares and to the end of the next Session of Assembly after the Three yeares.

By the house of Del 15th December 1708.

Read and Assented to by the house of Delegates.

Signed p order. Rich^d Dallam Cl: ho: Del:

Lib. L. L.
No. 64.

December the 15th 1708

Then was this bill read and assented to by her Maj^{ty}s hon^{ble}
Councill. & Sign'd p order. W Bladen Cl. Council.

December 17th 1708.

On the behalfe of our sovereigne Lady Anne Queen of
Great Brittain &c^a I will this be a Law.

Jo: Seymour

P. 379 An Act Reviveing an Act of Assembly of this province Inti-
tuled an Act laying an Imposition of three Pence p hogs-
head on Tobacco for defraying the publick Charge of the
province made at a Session of Assembly begun and held at
the Port of Annapolis December the fifth Anno 1704.

Be it Enacted by the Queens most Excellent Maj^{ty} by and
with the advice and Consent of her Maj^{ty}s Governour Councill
and Assembly of this province and the Authority of the same,
that the above mentioned Act Intituled an Act Laying an Im-
position of three pence p hogshead on Tobacco for defraying
of the publick Charge of the province be and is hereby Re-
vived and Continued in full force & strength from and after
this Present Session of Assembly for and dureing Three yeares
and to the end of the next Session of Assembly after the three
yeares.

By the house of Delegates 16th December 1708.

Read and Assented to by the house of Delegates.

Signed p order Rich^d Dallam Cl: ho: Del:

December 16th 1708

Then was this bill read & assented to by her Maj^{ty}s hon^{ble}
Councill.

& Signed p order W Bladen Cl Council.

December 17th 1708.

On the behalfe of our Sovereigne Lady Ann Queen of
Great Brittain &c^a

I will this be a Law.

Jo: Seymour

An Act for Reviveing a Certaine Act of Assembly of this province ascertaining the height of ffences to prevent the Evill Occationed by the multitude of horses and Restraineing horse Rangers within this province. Lib. L. L.
No. 64.

Be it Enacted by the Queens most Excellent Maj^{ty} by & with the advice and Consent of her Maj^{ties} Governour Councill and Assembly of this province and the Authority of the same that the above menconed Act Ascertainning the height of ffences to prevent the Evill Occationed by the multitude of Horses and Restraineing horse Rangers within this province be and is hereby revived and Continued in full force and strength from and after this Present Session of Assembly for three yeares and to the end of the next Session of Assembly after the Three yeares. p. 38o

By the house of Delegates 16th December 1708.

Read and Assented to by the house of Delegates.

Signed p order. Rich^d Dallam Cl: ho: Del:

December the 16th 1708.

Then was this bill read and assented to by her Maj^{ties} hon^{ble} Councill

& Sign'd p orde^r W Bladen Cl. Council

December 17th 1708.

On the behalfe of our Sovereigne Lady Anne Queen of Great Brittain &c^a I will this be a Law.

Jo: Seymour

An Act Reviveing an Act of Assembly of this province Entituled An Act for Limitation of Officers ffees made at a Session of Assembly begun and held at the Port of Annapolis December the fifth Anno Domini one thousand and seven hundred and foure.

Be it Enacted by the Queens most Excellent Majesty by and with the advice and Consent of her Majestys Governour Councill and Assembly of this province & the Authority of the same that the above mentioned Act Intituled an Act for Limitation of officers ffees be and is hereby Revived and Continued in full force and strength from and after this present Session of Assembly for and untill the end of the next Session of Assembly and no Longer.

Lib. L. L.
No. 64.
p. 381

By the house of Delegates 17th December 1708
Read and Assented to by the house of Delegates.
Signed p order Rich^d Dallam Cl: ho: Del:

December the 17th 1708.

Then was this bill read and assented to by her Maj^{ty}s hon^{ble}
Councill. & Sign'd p order. W Bladen Cl. Council.

December 17th 1708

On the behalfe of our Sovereigne Lady Anne Queen of
Great Brittain &c^a

I will this be a Law. Jo: Seymour

An Act Reviveing an Act of Assembly of this province Inti-
tuled an Act for Encouragement of Tillage & Releife of Poor
Debtors made at an Assembly begun & held at the Port
of Annapolis the fifth day of September 1704.

Be it Enacted by the Queens most Excellent Maj^{ty} by and
with the advice and Consent of her Maj^{ty}s Governour Councill
and Assembly of this Province & the Authority of the same
that the above menconed Act Entituled an Act for Encourage-
ment of Tillage & releife of poor debtors be and is hereby
revived & Continued in full force and strength from & after
this Present Session of Assembly for and dureing three yeares
& to the end of the next Session of Assembly which shall first
happen after the said three yeares.

By the house of Del 15th December 1708.

Read & assented to by the house of Delegates.
Signed p order Rich^d Dallam Cl: ho: Del:

December 15th 1708.

This bill read and assented to by her Maj^{ty}s hon^{ble} Councill
& Sign'd p order. W Bladen Cl Council.

December 17th 1708

On the behalfe of our Sovereigne Lady Anne Queen of
Great Brittain &c^a I will this be a Law. Jo: Seymour

p. 382 The Seale of the Secretarys office is hereunto affixed this
30th Day of May Anno Dni 1709

On behalfe of the hon^{ble} Philemon Lloyd Esq^r Deputy Sec-
retary of the Province of Maryland

p me Jo: Beale Clk Secry's office

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a Session held at Annapolis, Oct. 25 to Nov. 10, 1709.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

EDWARD LLOYD,
President of Council.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss.

At a Council held at the Council Chamber in the City of Annapolis Tuesday October the 25th 1709 and in the Eighth year of the Reign of our Sovereign Lady Queen Ann of Great Brittain &c

U. H. J.
p. 610

Present

The Honble Major General Edward Lloyd President

The Honble { Col W^m Holland } Col Char^s Greenberry
 { Col Tho^s Greenfield } Samuel Young Esq^r and
 { Col W^m Coursey } John Hall Esq^r

Members of her Majesty's Council

This being the day appointed for the meeting of the general Assembly The hon:ble President and Council were made acquainted that there were not a Sufficient number of the Delegates in Town to make an House and therefore ordered a Writt of Prorogation to be issued to prorogue the General Assembly until the 26th Inst^t which was issued and published accordingly

Wednesday Octobr 26th 1709

The Council in Assembly Sate Present

The honble Maj^r Gen^l Edw^d Lloyd President

p. 611

Col Francis Jenkins } Sam^l Young Esq^r }
Col W^m Holland } Col Tho^s Greenfield }
Col W^m Coursey } Col Cha^s Greenberry }
Col Tho^s Ennalls } John Hall Esq^r }

The honble Col W^m Whittington produced her Majesty's Letter directing he should be sworn of her Council which was done and the said Col Whittington took his place at the Board

M^r Worthington and M^r Tyler acquaint the Board from the House of Delegates that they are a full House and have made choice of M^r William Taylard for their Clerk and desire he might be qualified

Col Francis Jenkins offering that he ought to preside at this Board as Eldest of her Majesty's Council is told by the members of this Board that he had relinquished his Right thereto & desired the honble Major Genl Lloyd might take upon him the Presidency and that upon Col Jenkins not taking any notice of the Governm^t after the Governour's Death the Board

U. H. J. had advised Major General Lloyd to Execute that Duty and do not now think fit to recede from their former Resolves in this matter

Ordered that Col Coursey and M^r Young acquaint the House of Delegates this Board are willing to qualify M^r W^m Taylard to act as Clerk of their House for this present Session

The s^d Gentlemen went upon their Message and return & say they have acquainted the House therewith

p. 612 M^r Worthington and M^r Tyler come with M^r Taylard to see him sworn. Which was done particularly for the present Session

Ordered that Commission issue appointing M^r James Presbury Sheriff of Baltimore County

Ordered that Col Greenfield Col Greenberry and M^r Hall & Col Whittington acquaint M^r Speaker & the House of Delegates that her Majesty's hon:ble Council desire they will come up to the Council Chamber who went and returned and say M^r Speaker & the Delegates will wait upon the Council, and accordingly M^r Speaker and the House of Delegates came up to the Council Chamber where the honble President thus bespake them

M^r Speaker and you Gentlemen of the House of Deleg^s Upon the decease of his Excell. Col John Seymour our late Governour the administration of the Governm^t by her Majesty's royal Commission to him is vested in us the Members of her Majesty's Council and we having taken the same upon us thought it Expedient to convene you at this Time to advise with & recommend to you the necessary and usual means for raising a Supply to defray the publick Charge of this present year, which we are perswaded will not be very great and also to lay before you Several Letters his late Excell not long before his Death received from the right Hon:ble the Lords of the Council of Trade & foreign Plantations & especially in relation to ordinary Licences which S^r Tho^s Lawrence Baronett her Majesty's Secretary of this Province complains you have p. 613 unjustly taken from him besides other fees of the Provincial Court

Gentlemen. We desire once more you will either assert your reasons for diverting the Fees of those Licences from the Secretary or otherwise reannex them to his office that we may not give him any just occasion of Complaint to her most Sacred Majesty and the right Honble the Lords of the Council of Trade and foreign Plantations who have been so often importuned by him

As to all other Matters which may be thought advisable to be concerted this present Session We shall readily join with

your House in expediting them for the Service of our Queen U. H. J. & Country

And then M^r Speaker and the Delegates repaired to their House

The Petition of M^r William Glen Rector of S^t Peter's Parish in Talbot County complaining that M^r Daniel Sherwood high Sherriff of Talbott County refuses to pay him the 40lb p poll arising in that Parish in the year 1708 under pretence of his not being inducted until the 18th July in that year

And the said M^r Sherwood being called in and asked why he refused so to do says he was not well satisfied the whole 40 lb tob^o p poll for that year was due to M^r Glen or that he was safe in paying it Whereupon it was the opinion of this Board that the whole 40 lb Tob^o p poll for that year is due to M^r Glen according to Law and ordered the said Sherriffe pay the same to him without further Trouble or delay

The Council adjourned until nine to Morrow Morning

Thursday October the 27th 1709

The Hon:ble Council Sate Present as yesterday

p. 614

M^r Storey and M^r Guybert present M^r Thomas Frisby one of the Delegates for Cecil County to be sworn and qualified which was done in their Presence

M^r Philemon Hemsley and five other members of the House bring up the following Answer Viz.

By the House of Delegates Octob^r 27th 1709

May it please your Honours

We have considered your Honours Speech and shall diligently apply ourselves to raising a Supply to defray the publick Charge of this present year

We shall take it well all Letters lately received be laid before us that we may know her Majesty's Pleasure and Commands. But as to the matter of Licences to Ordinary Keepers and the Tob^o paid for them we have traced the Original & Progress thereof and neither find it a certain Duty to be always continued on such useful Subjects nor necessarily affixed to the Secretary's Office but only sometimes by Accident permitted to such Gentlemen who were Secretaries and further we conceive it a thing so contrary to right & reason and the Equality and Indifference of Justice and so nauseous & so odious to Subjects to have a tax imposed on one sort of Subjects to be applied to the enriching of one only Subject who not so much as sets pen to paper for it nor has more than a bare Colour of

U. H. J. Pretence That we are sorry her Majesty should by the unwearyed Sollicitations of S^r Tho^s Lawrence require any thing of us to which we cannot assent we have prepared an address about this and are desirous your Honours to join

We thank your Honours for so readily & diligently taking
 p. 615 on you the Administration of Governm^t according to her Majesty's royal Instructions and we shall always be ready to support you in it and join with you in what is our Duty that her Majesty's Service and Welfare of the Province may not be impaired in the Absence of a Cap^t Gen^l and to show our dutifulness to her Majesty and good Affection to your Honours

Signed p order W Taylard Cl Ho Del.

Ordered that Col Holland Col Ennalls Col Greenfield and Col Whittington carry the following message to the House of Delegates

By the Council in Assembly October 27th 1709

Here we send you a Copy of S^r Thomas Lawrences answers to your Reasons for taking from him the Ordinary Licences which is transmitted from the Lords of the Council of Trade &c also his further representation and complaints of Hardships & Damages done him here & desire you will well consider this matter and give a Satisfactory answer thereto that her Majesty and their Lordships may not be further importuned with the Secretary's Complaints or we be thought to have done him any wrong.

Signed p Order W Bladen Cl Coun.

Col Ennalls & Col Greenberry sent to the House with a Copy of a Paragraph of the Lords of the Council of Trade and Plantations Letter of the 26th March 1707 to Governour Seymour, which came not to hand until the 24th day of June 1709 Viz.

And as to the Assembly's Desire of a Small Species of Copper Coin if they send over the value hither We shall move her Ma^{ty} that such a quantity of Copper Coin be sent in lieu
 p. 616 thereof upon Condition that no Person be forced to take the same in payments which ought to be voluntary

Copy of Several Paragraphs in their Lordships Letters to his late Excell the Governour dated the 12th January 1708/9

We have considered the Law for encouragem^t of Learning and passed in Sep^r 1694 and find that the last Clause which is in the following words Viz^t (and be it Enacted by the Authority af^d that no person or persons whatsoever having your most

Sacred Matys Commission to Execute any office judicial within U. H. J. this Province shall be obliged actually to inhabit within this Province and exercise the same in his proper Person and not by any Depnty or Deputys) is so penned that it cannot be easily understood And therefore we think it necessary that the Intention of the Law be better Explained in that particular which may be by allowing the Patentees in express Terms a power to execute their respective offices by their Deputy or Deputys.

As to the Act passed in Carolina for encouraging the Settlement of that Country whereof you complain her Majesty has been pleased upon our Representation to repeal the same. A Copy of her Majesty's Instructions for that purpose is herein inclosed.

By the Council in Assembly October 27th 1709

Gentlemen

According to your Request we communicate to you as above the foregoing Paragraphs in the Right honble the Lords of the Council of Trade & Plantations Letter to our late Governour Col Seymour being what may in any wise require your p. 617 observation
Signed p Order W Bladen Cl Coun

Mr Joseph Hills petition for allowance of 52^{lb}.. 1^s.. 0^d due to his Father recommended to the Consideration of the House of Delegates

The Petition of Mr Tho^s Macnamara wherein he prayed to be restored to his practice of Attorney referred to the Consideration of the House of Delegates

The Petition of Mr John Rousby read & recommended to the House of Delegates to consider his Charge and Trouble in sending up Letters to the Governour

The Petition of Sam^l Meeke read and recommended to the House of Delegates

The af^d Petitions sent to the House by Col Coursey

The Petition of Neal Clark of Ann Arundel County setting forth his distressed Condition and praying he may not be further prosecuted on two recognizances by him Entered into for Rich^d Clark's Appearance now forfeited read

And ordered there be no further prosecution thereon against this Petitioner until this Board shall give directions therefore

The Board adjourned until nine of the clock to morrow morning

U. H. J.

Friday October the 28th 1709

The Council Sate Present as yesterday
except Col Greenfield

Resolved the following Message be sent to the House of
Delegates By the Council

Gentlemen. We think it very necessary to recommend to
p. 618 your Consideration the reviving of the temporary Laws which
otherwise will Expire and being desirous to give all ready
Dispatch to this present Session now also Communicate to
you one of her Majesty's royal Instructions in the following
words Viz^t

Whereas we have been pleased by our Commission to direct
that in Case of your Death or Absence from our said Province
and in Case there be no person at that Time upon the Place
commissionated or appointed by us to be our Lieut^t Governour
or Commander in chief The then present Council of our afore-
said Province of Maryland shall take upon them the adminis-
tration of the Governm^t and execute our said Commission and
the Several Powers and Authoritys therein contained in the
manner therein directed It is nevertheless our express Will
and Pleasure that in such Cases the said Council shall forbear
to pass any Acts but what are immediately necessary for the
Peace and Welfare of our said Province without our particular
order for that purpose. Sent to the House by Col Holland
Col Coursey Col Ennalls and M^r Hall

Signed p order W Bladen Cl Coun.

Cap^t Crabb and M^r Bordley from the House present M^r
Hugh Eccleston and M^r Walter Campbell to take the Oaths
appointed in order to qualify them to sitt in their House as
Delegates for Dorchester County which was done in their
Presence

And also William Bladen made Oath to his Naval Officers
Accounts in the presence of the said Delegates

p. 619 Ordered that George Muschamp Esq^r and John Rousby
Esq^r her Majesty's Receivers of Potowmack and Patuxent Dis-
tricts pay unto the Honble Major Gen^l Edward Lloyd President
of her Mātys Council one moyety of the three fourths of the
one moiety of the two Shillings p H:head by them received
since the Death of his Excell Col John Seymour for support
of the dignity of the said President

The honble Col Whittington informing the Board that
whereas on the eighth of July 1708 he had an Order from this
Board to Survey the Pocomoke Indians Lands and he had run
some of the lines but could not find they included any Lands.

Ordered the said Col Whittington use his best discretion to U. H. J
Settle the Bounds of the said Indians Lands with them and
make report of what he shall do therein to the Board with all
Convenient Speed. And it is recommended to the House
that Col Whittington be allowed three thous^d p^{ds} of Tob^o for
his pains and trouble already taken in this Affair

Ordered that M^r John Bosmane Col Rich^d Tilghman Col
Nathaniel Hynson M^r John Parker Major Josiah Wilson M^r
John Gresham & M^r Joseph Mannings Sheriffs Commissioners
for Queen Anns, Somersett, Kent, Calvert, Prince Georges,
Ann Arundel and Charles Countys be renewed for the
ensuing year

Ordered that a new Commission issue to S^t Mary's County
Col Henry Law desiring to be excused and that M^r James
Bowles be added to the other five Sitting Justices p. 620

The Petition of Tho^s Edmondson read & referred to the
Consideration of the House of Delegates

The Board adjourned till 8 of the Clock to mor. morn.

Saturday October the 29th 1709

The Council Sate Present the Hon^{ble} President

The Hon^{ble} Col Coursey Col Ennals & Col Whittington
Col Greenberry.

Ordered that John Rousby Esq^r her Majesty's Receiver of
the District of Patuxent in pursuance of her Majesty's royal
Instruction and this order of Coun. pay unto the Hon^{ble}
Major Gen^l Edward Lloyd Presid^t of her Majestys Council the
Moiety of the three fourth parts of the moiety of two shill p
Hhd amounting to the Sum of £ 158..9^s..7^d

The Board adjourned till eight of the Clock on Monday
morning

Monday Octob^r 31st 1709

The Council Sate Present

The Hon^{ble} Major Gen^l Edw^d Lloyd Presid^t

Col Jenkins	}	Col Greenfield
Col Tho ^s Ennalls		Col Greenberry
W ^m Coursey Esq ^r		Col Whittington

The Petition of Col Whittington read & referred to the
Consideration of the House of Delegates

John Clements Petition read and referred for further Satis-
faction until the next Session of Assembly

The Representation of M^r Thomas Trueman Greenfield and
M^r Henry Peregrine Jowles relating to the Chaptico Indians
read & referred to the Consideration of the House of Dele-
gates & sent by Colonel Greenbury and Col Whittington.

U. H. J. The Board adjourned until eight of the Clock to morrow
 p. 621 morning

Tuesday November the first 1709

The hon:ble her Majesty's Council Sate Present

The hon:ble Major Gen^l Edw^d Lloyd President

The hon:ble	{	Col Jenkins	{	Sam ^l Young Esq ^r
		Col W ^m Holland		Col Tho ^s Greenfield
		Col Tho ^s Ennalls		Col W ^m Whittington
		Col W ^m Coursey		Col Greenberry
		Col Robert Quarry		John Hall Esq ^r

Col Ennalls sent to the House to desire two of their Members may be Sent up to see M^{rs} Mary Contee Sworn to her late Husbands Col Contee's Account of his Collection in the naval office of Pocomoke

Came M^r Hemsley and M^r Mariartee from the House and in their Presence the said M^{rs} Mary Contee made Oath to two Accounts one of the 3^d p H:hd and another of the 3^d p Gall and 20^s p poll on Negros Imported which she Swore were drawn of her Husbands Books

Resolved that the House of Delegates be acquainted from this Board that the Act Impowering the Farmers of the Lord Baltimores Rents to recover them after the expiration of their Lease is repealed by her most Sacred Majesty

Pursuant to which Resolve the following Message was sent to the House by Col Greenbury and Col Whittington

By the Council in Assembly Nov^r 1st 1709

p. 622 Gentlemen. We hold it necessary on your present Meeting 'tho some months after her Majesty's royal Commands received to acquaint you her Majesty has been pleased to declare her disassent to the Act impowering the Farmers of the Lord Baltimore's Rents to recover the Arrears thereof after the expiration of their Lease and you are to take notice the said Law is accordingly repealed

Signed p Order W Bladen Cl Coun.

Ordered that a new Commission issue to Queen Ann's County appointing

Major W ^m Turloe	}	Quor {	& the other Comm ⁿ of the Peace as in the former Comm ⁿ except M ^r Cop- pige who being lame desires to be excused & It is granted him.
M ^r John Salter			
M ^r P. Hemsley & John Wells ^r			
M ^r John Whittington			
M ^r Tho ^s Marsh			

M^r Campbell M^r Guibert M^r Paca and M^r Pierce bring up U. H. J. the following Message Viz^t

By the House of Delegates 1st Nov^r 1709

The Bill herewith sent is for continuing S^t Mary's and Baltimore County Courts this is the day they ought to be held and we desire the honble Council will Concur with the Bill and that it may be returned to be Engrossed and pass the great Seal this day
Signed p order W Taylard Cl Ho Del.

And a Bill to continue all Process & proceedings in S^t Mary's County Courts & Baltimore County Courts from the first Tuesday of November to the last read in the House of Delegates first & second times and by Special order do pass
Signed p Order W Taylard Cl Ho Del.

Which being well considered by this Board and what Consequences may attend the passing of this Law this very day ^{p. 623} as desired by the House by determining the present Session so that the Act for regulating the Militia and also the Act for Settling of Officers Fees may also be determined thereby.

Resolved the following Message be Sent to the House by Col Coursey & Col Greenbury Viz.

By the Council in Assembly Nov^r 1st 1709

In answer to the House's Message by M^r Campbell and three other of your Members this Board do say that it has not been practicable in this Province to pass any Single Bills before the Conclusion of the Session. And the Effect of this Bill being as easily provided for by a Bill to revive the Process of the said County Courts and impower them to hold Court the last Tuesday of this Month. The People of those Countys will not be sooner eased of their apprehensions by the Bill proposed than by their Representatives acquainting them of the reviving Bill being passed for their relief which will be done at the same Charge

Signed p Order W Bladen Cl Coun.

The Board adjourned until nine of the Clock to morrow morning

U. H. J.

Wednesday November the 2^d 1709

The Council Sate Present as yesterday

Resolved the following Message be sent to the House of Delegates Viz.

By the Council in Assembly Nov^r 2^d 1709

The Right honble the Lords of Trade and plantations having received the Lord Baltimores objections to the Act Requiring
p. 624 his Agent to certify to the Secretarys Office the Instructions and Conditions of Plantations with the Fees by them demanded and obliging his Lordships Deputy Surveyours to qualify themselves according to Law have desired to be informed of the reasons for the passing the said Act and what other observations may be necessary thereupon.

We therefore desire you will take the same into Considerations and make such observations thereon for their Lordships better Satisfaction as you shall think fitt

Signed p order W Bladen Cl Coun.

Came Col Walter Smith and three other Members who brought up from the House the following Message

By the House of Delegates Nov^r 2^d 1709.

May it please your Honours

This House have Considered that for the sooner Dispatch of the Business before them have resolved that your Honours be desired to join some of the members of your Board with some members of this House to regulate the Officers fees the Act expiring this Session

Signed p order W Bladen Cl Coun.

The said Message being well Considered, Ordered the following Answer be sent to the House by Col Greenberry & M^r Hall

By the Council in Assembly Nov^r 2^d 1709

Gentlem. We having already communicated to you her Majesty's royal Instructions restricting us to pass Laws upon the Death or Absence of her Governour are not willing to alter any Officers fees. Yet to shew our ready Inclination to
p. 625 do what in us lyes for the good & Benefit of the Country We are willing to join with you in any proper measures to redress any Abuses committed by any of the officers within this Gov-

ernm^t in exacting ffees not legally due, Altho we think the U. H. J. Law has already Sufficiently provided against such Abuses
Signed p Order W Bladen Cl Coun.

M^r Vanderheyden and three other members bring from the House the following Message viz.

By the House of Delegates 2^d Novemb^r 1709

This House desire the Treasurers and Naval Officers Accompts may be laid before them for Inspection that they may prepare a Bill to lay the Levy and make a Speedy End of this Session
Signed p Order W Taylard Cl Ho Del.

Ordered the said Accounts be laid before this House Sent to the House the following Message

By the Council in Assembly Nov^r 2^d 1709

Upon Enquiry after some Certificates of Lands in the Secretarys Office. It is said a Book of Returns about the year 1689 is missing and we observing an open Chest Standing in the free school porch exposed to the weather so that several Certificates & other Instruments therein relating to Lands are damnified & spoiled amongst which we find several Certificates of Lands returned near about that Time which are Endorsed Entered upon Record 'tho no such record to be found recommend it to the Consideration of your house whither it may not be proper to appoint some fitt Person to inspect and take an Account of these papers and Books if any in that Chest & that such Certificates as are not entered on Record p. 626 may be so done by the next Session of Assembly and the said Chest and papers better secured in the Land Office, And whereas It is said a Book concerning Lands in Ann Arundel & Prince Georges Countys was burnt in the late fire of the Court House, & that M^r James Heath has acquainted some of the members of this Board that he had a Book wherein are the Copys of the Certificates recorded in the af^d Book so burnt taken by M^r Tho^s Evans and M^r Thomas Jones now living and who will make oath thereto, We desire your opinion whither it may not be proper to have the said Record renewed by transcribing
Signed p Order W Bladen Cl Coun.

L^t Col. Walter Smith and five other Members from the House of Delegates bring the following representation Viz.

U. H. J. By the House of Delegates. Novemb 2^d 1709

It having been reported to and adjudged by this House, That it is an Aggrievance to the Province that for some years past the Custody of the Great Seal has been in the Hands of the Governour who by Virtue thereof Sits as Chancellour or Judge in the High Court of Chancery and that upon any Appeal or upon a Bill of Review before the High Court of Appeals the same Person is their Chief Judge also which is but appealing from the Judgem^t of a person in one Court to the Judgem^t of the same in another & very rarely any other Judgem^t rendered than at first

Therefore this House humbly desire the honble Council to join with them in an Address to her Ma^{ty} that the Custody of the great Seal may no longer be in the Hands of the Governour But in the hands of such other Person as her Majesty or the Governour and Council here shall appoint

Also It is reported to and resolved by this House as an Aggrievance that one and the same persons are Justices in the Provincial Court and in the County Courts.

Also It is reported by this House as an Aggrievance that one and the same persons are Justices in the provincial Court & in the County Courts

Also It is reported by this House as an Aggrievance that several places of profit within this Province are in the Hand of one Person. Which offices would be better officiated and Business better done & sooner dispatched if the places were in the Hands of several Persons and be Sufficient to maintain them besides It is great Discouragem^t to the several Inhabitants of this Province who are well qualified for such places that Persons less deserving and not qualified according to Law hold places of Profit and many Time one person several offices

Also it is reported to and resolved by the House as an Aggrievance that there are two Separate Commissions to the County Court and that the Charge of the Commissions being so often renewed is a Greater Burthen to the Countys than it was formerly when there was but one Commission and all the Justices Sate as Judges upon the Bench

Also It is reported to and resolved by the House as an Aggrievance that places of Trust and Profit especially the Sheriffs office have been of late sold to such persons as would give most mony for them or Tob^o whereby several Persons have been commissioned that are very uncapable and not qualified and of too mean Capacity and Estates to execute & perform their Dutys and Office and the Inhabitants much thereby aggrieved and oppressed and very Slender security given for

performing the offices whereby great Losses have and are likely to happen to her Majesty's Subjects within this Province U. H. J.

It is also reported to and resolved by this House as an Aggrievance that the Provincial Court hath Jurisdiction in so small sums whereby all Actions are almost brought there where the Charge very often exceeds the Debt or Demand and is of great Trouble Charge and fatigue to the Suitors both Plaintiff and Def^t and many times occasioned the Plaintiff to lose, both his debt & Cost and perpetual Imprisonm^t to the Def^s Body or Ruin of his whole Estate. All which said six Aggrievances this House humbly desire her Majesty's hon:ble Council to join with them in redressing and that the Honble Council will join some of their Board with some of the members of this House in Conference to consider of ways & means to redress the same and of the method & manner of settling the Courts of Judicature and their Jurisdictions with the manner of their proceedings & the Qualifications of their Officers

Signed p Order W Taylard Cl Ho Del.

Which being well considered resolved the following answer be sent to the House Viz^t

By the Council in Assembly Nov^r 2^d 1709

This Board is willing to gratify you in joyning in the Conference proposed and to that purpose have appointed the hon:ble Col Holland Col Coursey Col Greenberry and M^r Hall to join with the members appointed by your House at such time and place as they shall have notice of Signed p order

W Bladen Cl Coun.

Thursday November the 3^d 1709

The Council Sate Present as yesterday

Cap^t West and three other Members bring from the House Viz.

By the House of Delegates Nov^r 3^d 1709

This House have appointed Col Tho^s Smithson Major George Gale Col Nicholas Low Col Walter Smith M^r Robert Ungle & M^r Tho^s Bordley to join in Conference proposed with the members of her Majesty's honble Council immediately at M^r Lloyd's House

Signed p Order W Taylard Cl Ho Del.

U. H. J. Col Greenberry being ill of a Feaver, Col Ennalls is ordered in his Room with the Conferees from this Board to go upon the Conference according to the notice given. And the said Gentlemen Conferees from this Board went accordingly

And after some Hours return to the Board & report as followeth

Maryland ss.

At a Conference held at the House of M^r Philemon Lloyd in the City of Annapolis the 3^d of November 1709 Present

of her Majesty's hon:ble Coun.

Of the House of Delegates

p. 630 Col W^m Holland
Col W^m Coursey
Col Tho^s Ennalls
John Hall Esq^r

Col Tho^s Smithson
Col Nicholas Lowe
Major George Gale
Col Walter Smith
M^r Robert Ungle
M^r Tho^s Bordley
M^r John Salter and
M^r Samuel Worthington

Appointed to Enquire into some Aggrievances and the Way to redress &c.

1. As to that part that relates to the Custody of the great Seale being in the Hands of the Govern^r

It is the opinion of all the Conferees that it is an Aggrievance and the way to redress it is by the Council and Assemblys joining an Address to her Majesty as proposed

2. As to the second relating to one person being a Justice in the Provincial & County Courts at one and the same Time the Conferees agree It is an Aggrievance and The honble Members of her Majesty's Council acquaint the Gentlemen of the House of Delegates that It is already redressed

3^d As to what relates to one person holding several Offices It is the opinion of the Conferees that if any Person hold the Chancellours office Commissary Gen^{ls} office Secretarys office Sheriffs office or Clerk of the County Courts office together with any other office or place of Profit It is an Aggrievance and that the House of Delegates address the Council Board to redress it as far as in them lyes

p. 631 4. As to the fourth which relates to the County Courts Commission the Conferees agree that the having two sepearte Commissions is an Aggrievance for all as formerly and that the number of Justices exceed not eight in any County.

5. As to the fifth which relates to the Provincl Courts Jurisdiction in small sums, the Conferees agree It is a great

Aggrievance and that the proper way and Time to redress it U. H. J.
will be by making Application to the next Governour and that
in the mean Time the County Courts Commissions may be
Enlarged All which is Submitted to the Consideration of her
Majesty's honble Council and the House of Delegates

6. As to the 6th which relates to the Sheriffs and others
buying of Offices the Conferees agree It is a great Aggriev-
ance and It is the opinion of the Conferees that for the future
the Justices of the County Courts in March Courts before the
Sheriff's Time is expired nominate two or three Persons for
Sherriff Out of which the Governour & Coun shall appoint
one for Sheriff Signed p Order R Dallam Cl Con.

Major Gale and M^r Ungle came to see M^r Hunt a member
of this City sworn which was done

The Petition of the Inhabitants of Piscattaway Hundred in
Prince Georges County for laying out a Town recommended
to the Consideration of the House

The Petition of the Inhabitants of the Lower parts of Charles
County praying for a Town at the Head of Trent Creek
referred to the Consideration of the House of Delegates p. 632

Thomas Attaways Petition referred to the House of Dele-
gates

Susannah Tracy's Petition read and recommended to the
House of Delegates

The four last Petitions sent to the House by Col Ennalls &
Col Greenfield with a Bill for removing John Egerton into the
Custody of the Sheriff of S^t Mary's County

M^r James Presbury commissioned & sworn Sheriff of
Baltimore County

The Board adjourned until nine of the Clock to morrow
morning

Fryday Novemb^r 4th 1709

The Council Sate Present as yesterday save M^r Young
John Young's Petition read and recommended to the House
of Delegates

The Hon:ble Col Whittington acquainting the Board of the
continual Apprehension & Danger of Insults from Privateers
the Inhabitants of Somerset County have been Exposed to,
Several French Privateers attempting to Land there the last
Summer and the year before and of what Care he had taken
to secure the Inhabitants by ordering several Troops & Com-
panys to be in readiness upon any sudden alarm of which
Several had happened the last Summer) on which occasions
he got Considerable numbers of Men together in order to

U. H. J. oppose them notwithstanding which had there been any actual
 p. 633 Service they were not only destitute of Ammunition It being
 lodged at the Honble Col Francis Jenkins at a considerable
 Distance from the place of Action but must also have wanted
 the Directions of their commanding Officer in chief for that
 County the said Col Jenkins being lately very much indisposed
 and debilitated in his Person and in a very weak Condition
 unable to Act

Which the Board taking into Consideration and that the
 said County was still under the said Apprehensions of Invasions
 and Insults from Privateers do believe it absolutely necessary
 the chief Command of the military Forces there should be
 lodged in some person capable and Active for the better
 Security & Encouragem^t of the Inhabitants the said Col Jen-
 kins by his great Age and Weakness being rendered very
 incapable thereof having in a great measure lost his hearing
 and his memory failing and little Likelyhood of recovering.
 Do Resolve and order that at least one half of the Ammuni-
 tion in that County be lodged where L^t Col Whittington shall
 appoint and that L^t Col Whittington Continue to take
 the same good Care for the Safety of her Majesty's Subjects
 in that County and that the Several Commanders of the Troops
 and Companies of the militia in that County pay all due exact
 and ready obedience to the said Col Whittington's Commands,
 on any other Alarm or Invasion without attending or expecting
 any further orders

Ordered that Col Whittington purchase a Gun about 500
 weight and place it as he shall think fit to make an Alarm on
 Occasion

p. 634 Ordered that M^r John Kirk be Commissionated a Coroner
 in Dorchester County

And that Capt John Moredock and M^r John White be com-
 missionated Coroners for P: Georges County

The honble Col Quarry Surveyour General of her Majesty's
 Customs on the Continent of America represents to the Board
 that Several Bonds Entered into by masters of Ships for
 carrying the Plantations loading to England &c only & for-
 feited especially four on which Judgem^t were given against
 the obligors having been directed to be put in Execution and
 Levied on Enquiry were not to be found and what was a
 further Prejudice to her Majesty's Interest the Judgements as
 he is told are not thought to be well Entered so that Writts of
 Error are brought for reversing them

He therefore desired the Governm^t here would have so
 much regard to her Majesty's Interest to Suspend the Hearing
 of those Errors or any other prosecution thereon until my

Lord Treasurer shall give further directions therein. Where- U. H. J.
upon Resolved accordingly,

Mr Hemsley and three other of the House's Members bring
up a Bill for reviving the Act for Limitation of officers Fees

Which was read the first time and ordered to be Endorsed
so and that the Bill will pass being continued until the End of
the next Session of Assembly which shall first happen after
the arrival of a Cap^t Gen^l & Governour in chief of this Province
such Session being very proper to regulate the officers fees
In which we shall then very readily Join

The Bill sent to the House by Col Ennals Mr Hall and Col
Whittington

p. 635

Col Quarry takes Leave

Col Smith and three other members bring from the House
the af^d Bill with Amendments made to Continue until the End
of the first Session of Assembly or to the End of six months
which shall first happen after the Arrival of the next Cap^t
Gen^l &c. Which was read again and the Amendm^{ts} agreed
to and the Bill passed for Engrossing and sent to the House
by Col Holland Col Greenfield and Col Greenberry

Mathew Moltons Petition read as followeth

To his Excell. John Seymour Esq^r her Matys Lieut^t and
Governour in & over the Province of Maryland

The Petition of Matt Molton in most humble manner

Sheweth. That whereas your Petitioner hath been betrayed
into the most crying and heinous Crime of Man Slaughter
through excess of Drink as appeared by his Country who
upon due Scrutiny and search have found him guilty for the
perpetrating of which nefarious fact he takes shame to himself
and is not only Sensible thereof but will spend the Remainder
of his Days in Contemplation and Repentance in order for an
Expiation of so unparaelled a Crime in all Humility withal
Craves your Excell will be pleased to Suspend and remitt the
Execution of the Judgem^{ts} due to the Meritts of such an Act
whereby your Petit. with all Expressions of Gratitude may be
whilst Life permitts obliged to pray for you & yours

Matthew { his
m } Molton
mark }

The said Matt Molton being represented as an object of her
Majesty's mercy.

Ordered that a pardon be granted him under the great Seal p. 636

U. H. J. The Board adjourned till nine of the Clock to morrow morning.

Saturday November the 5th 1709

The Council Sate Present as yesterday Save Col Quarry.

Mr Bordley and five other Members from the House bring up the following Bill Viz.

A Bill for repealing a certain Clause of one Act Entituled an Act ascertaining Fees to the Attornys and Practitioners of the Law in the Courts of this Province and for Levying the same by way of Execution read in the House the first & second Times, which was read in Council & passed

A Bill repealing the Act against the Importation of Bread & Beer &c read twice in the House of Delegates & agreed to pass

Which being read at the Board they are of opinion this Province will be able to support it self but in Case it should not this Present year Pensilvania will scarce furnish any Indian Corn Wherefore cannot see any reason to repeal an Act which prevents our neighbours in great measure from draining our Cash & is intended for the Encouragem^t of Tillage among us

A Bill for Relief of Tobias and John Pollard read three times in the House which was read the first & second Time & passed for Engrossing

A Bill for removal of John Egerton into the Custody of the Sheriff of S^t Mary's County read twice in the House which
p. 637 was again read at this Board and passed for Engrossing

A Bill confirming a Release made by Susannah Tracy to Mr James Heath read in the House the first & Second Times and agreed to which was read and passed

A Bill for naturalization of Daniel Packe which was read & passed

A Bill empowering John Edmondson's surviving Executor to sell Lands for paym^t of Debts

A Bill confirming a Release made by Susannah Tracy to Mr James Heath read twice in the House which was read here & passed

Mr Worthington & Mr Story bring up the Houses Address to her Majesty relating to the great Seale which was read & approved of by this Board and sent to the House by Col Ennalls & Col Greenberry

The af^d Bills sent to the House by Col Ennalls & Col Greenberry

Mr Hemsley and Mr Tyler brought up from the House the report of the Conference on the Subject Matter of the Ag-

grievances represented with the following Endorsement from U. H. J. the House Viz^t

By the House of Delegates Nov^r 5th 1709

Upon reading the foregoing Report the House Concur therewith & pray her Majesty's hon:ble Council to redress the Aggrievances complained of so far as it is in their power

Signed p Order W Taylard Cl H Del

Whereeto the following Answer was made Viz.

p. 638

Gentlem.

We shall take Care to redress & Endeavour to prevent the Aggrievances now represented as much as in us lyeth

Sent to the House by M^r Hall & Col Whittington

The Board adjourned till nine of the Clock on Monday Morning.

Monday Novemb^r the 7th 1709

The Council sate Present

The Hon:ble Major Gen^l Lloyd Col W^m Holland Col Jenkins Col Coursey Col Ennalls Col Greenfield Col Greenbury & Col Whittington

M^r Campbell & two other Members from the House bring up an Address to her most Sacred Majesty relating to the Gauge of Tob^o Hhds &c which being read at the Board

Resolved that whereas her most Sacred Majesty has been pleased to lay her peremptory Command on us to pass an Act for regulating the Gauge of Tob^o Hhds in this Province conformable to the Size of those in Virginia This Board do not think it proper to join with the House of Delegates in this Address

But leave it wholly to the House to represent to her Majesty as they shall think fitt

Cap^t Ward M^r Vanderheyden and M^r Laddamore bring from the House the Bill for repealing the Act against Importation of Bread Beer & flower

Which was read again at this Board and sent to this House with the following Endorsement Viz^t

We are not willing to repeale any Acts of Assembly already transmitted to her Majesty and the Lords of Trade But since ^{p 639} the House of Delegates are of opinion there is a likelihood of the Country Suffering this Year We are willing to Suspend part of the Act relating to Bread Flower and Indian Corn during Seven months in which Time it is hoped a Sufficient Supply of Corn may be imported

U. H. J. Sent to the Council by Col Coursey & Col Ennalls
John Dansey of St Marys County Esq^r represented to the Board that upon the Death of George Muschamp Esq^r It might be necessary some person should be appointed by the Governm^t to take Care of her Majesty's Revenue Whereof the said George Muschamp was Receiver in Potowmack district

Ordered that the said John Dansey take Care thereof & receive the same and give good Security to account for what he shall receive there until her Majesty's Pleasure or my Lord Treasurer's Directions are Signified therein

Col Robert Finley's Petition read as followeth

Maryland ss

To the Honble President & Council now Sitting

The Petition of Robert Finley humbly Sheweth That whereas his late Excell John Seymour Esq^r Govern^r and Council Sitting the 16th of August 1708 did then make an Agreement with your Petitioner by Virtue of an order produced by his late Excell from the right honble the Lords Commiss^{rs} of Trade and foreign Plantations to Inspect into the Arms
p. 640 Ammunition and other warlike Stores of this Province of Maryland, your Petit^r should have the sum of eighty lb Sterl for so doing and your Petitioner having according to his Commission & Instructions given by his late Excell performed his Duty therein humbly prays that your Honble Board will please to give an order for the receiving of his said Eighty pds Sterl due to your said Petit^r and your Petit^r as in Duty bound shall ever pray

By the Council in Assembly 9^{ber} 8th 1709

It appearing to this Board that the Acc^t of Arms &c returned by Col Robert Finley the Petitioner is not perfect

Therefore this Board do not think fit to order him more than forty pds Sterl until he shall have made a perfect return which John Rousby Esq^r her Mātys Receiver of Patuxent District is hereby directed to pay him

Signed p Order W Bladen Cl Coun

The Board adjourned till nine of the Clock to Morrow Morning

Tuesday November the 8th 1709

The Council Sate Present as yesterday

Ordered the following Message be sent to the House of Delegates Viz

By the Council in Assembly November the 8th 1709 U. H. J.

Gentlemen We recommend to you to make a Small Supplementary Act to that for regulating the Militia to enforce the levying of Fines on Defaulters by the Field Officers as well upon the Body as the Goods and that it may be such reasonable fines as you shall think fitt

In which Law you may also revive the Act for regulating the Militia with an Exception to that part relating to Fines

Signed p Order W Bladen Cl Coun

Sent by { Col Holland Col Coursey }
 { Col Ennalls & Col Greenberry }

M^r Dare M^r Storey and M^r Whittington brought up the Bill empowering Tho^s Edmonson to Sell Land for paym^t of John Edmonsons Debts Endorsed

By the House of Delegates November the 8th 1709

This House having made Enquiry into the Judgements against James Edmonson as Son and heir of his Father find but one at the suit of one Hall which is Suggested to be satisfied and therefore pass this Bill and pray the Council's Consent
W Taylard Cl H Del

The said Bill was again read and assented to by the Board.

Also the Bill for repealing the Act against the Importation of Bread Beer and Flower &c

Which the House of Delegates desired might be suspended until the End of the next Session of [the Assembly]

Which being again read was assented to by the Board and sent to the House by Col Greenberry

And likewise a Bill appointing how long Suspected Run-aways shall lye in Prison and for the discharge of Indian Harry late a Prisoner in Somerset County.

M^r Hunt & Six other Members from the House brought up the following Message

By the House of Delegates November the 8th 1709

May it please your Honours.

The Matter relating to itinerant Justices lying before us on a reference on our Journal from the last Sessions.

It is the Opinion of this House that it does not Consist with the Constitution of the Country and that Justice is not thereby so well administred as when the Tryals were at Bar. Therefore humbly pray that the honble Council will order that Jus-

U. H. J. tice may be administred in the old common ordinary way by Tryalls at Bar in the Provincial Court as formerly without any more Circuits Signed p Order W Taylard Cl Ho Del

Which being read and Considered the following Answer was sent thereto, by Col Coursey Col Ennalls Col Greenbury & M^r Hall

By the Council in Assembly November the 8th 1709

Her most Sacred Majesty having already signified her Approbation of the Itinerant Justices.

We cannot alter that Course of Justice without her particular Directions therefore

Signed p Order W Bladen Cl Coun

M^r Bordley & Cap^t Jones brought from the House a Bill reforming the ill practices of High Sherriffs within this Province which was read the first & second Time & agreed to by this Board

p. 643 A Bill for suspending the Execution of the Act for relief of poor Debtors read in the House the first & second Times which was likewise read at this Board the first and second Times and agreed to pass

A Bill renewing and continuing of all process and proceedings in S^t Marys County Court Dorchester County Court and Baltimore County Court from the first and second Tuesday of November 1709 to the last Tuesday of the same month

Which was read at the Board the first & Second time.

Also a Bill for confirming the Title of Lands therein mentioned to Col W^m Holland Richard Harrison and Samuel Chew

And a Bill relating to Runaways which being read at the Board the first and second Times was passed with several Amendments & sent to the House by Col Ennalls

Which was read at the Board the first & Second times and passed and sent to the House by Col Grrenfield and M^r Hall

M^r Lee and M^r Jowles bring from the House Viz^t

By the House of Delegates November the 8th 1709

In answer to the Message by Col Coursey and Col Whittington of the second Inst^t relating to laying before the Lords Commissioners of Trade and Plantations our reasons for passing the Act requiring the Lord Baltimores Agents to certifie into the Secretarys Office the Instructions & Conditions of Plantations with the fees by them demanded & obliging his

Ldship's Deputy Surveyours to qualify themselves according U. H. J.
to Law

This House Considering there are no Ships now in the Country going for Europe have resolved to refer the answering thereof till the next Session of Assembly

Signed p Order W Taylard Cl Ho Del.

M^r Eccleston and M^r Campbell bring the following Proposal from the House Viz^t

By the House of Delegates November the 8th 1709

It being proposed to this House that there is a Considerable Stock of money in the Treasurer's Hands and that the publick Charge of this Province might be payed this present year in mony after the rate of ten Shill p Cent for the Tob^o thereby to Ease the Inhabitants of any publick Levy in Tob^o which the House readily agreed to and pray the honble Councils Concurrence therewith.

Signed p Order W Taylard Cl Ho Del.

Which was assented to by this Board and Sent to the House by Col Greenberry

The Board adjourned until nine of the Clock to morrow morning

Wednesday November 9th 1709

The Honble her Majesty's Council met according to Adjournm^t & were present as yesterday

The Board proceed in obedience to their Commands of the Right Honble the Lords of Trade and Plantations to give their reasons for passing the Act requiring the Lord Baltimores p. 645 Agents to certify their Instructions and Fees Viz

1st That the want of a due Knowledge of the several Alterations of the Conditions of Plantations made by the Lord Proprietarys from Time to Time his Lordships Agents having forborn for many years to publish and record the said Conditions which formerly were wont to be no man is Certain upon what terms he is to hold any new Grants from him

2^{dly} And for want of due notice of the Fees taken by his Agents and under Officers we are Lyable to pay any Fees by them demanded at their Pleasure as has been manifestly shewn to the Assembly at the passing that Law to the great Aggrievance of her Majesty's Subjects here and obstructing many Settlements of the Soil in prejudice of her Majesty's Revenue.

U. H. J. 3^dy Many abuses being Complained of to the Assembly done by the several Deputy Surveyors under the Lord Baltimore they thought expedient to prevent the same for the future that no one should act in that Station that would not qualify themselves as by the Laws directed the said Deputy Surveyours being Officers acting between the Lord Propriety's & her Majesty's Subjects here who ought to administer right between his Lordship and the People from whom they receive their Wages or Fees in measuring the Land they purchase of his Ldship the Soyle of this province being not only granted to his Ldship's Ancestors but with Intent of settling an English Colony which we hope her most Sacred Majesty will always
 p. 646 protect Therefore we think highly reasonable those officers should be obliged by Oath to Act impartially having a regard as well to her Majestys Subjects as his Lordships Interest
 Signed p Order W Bladen Cl Coun.

Resolved the Reasons be communicated to the House of Delegates & the following message sent

By the Council in Assembly November the 9th 1709

Gentlem. Believing your House to have many things before you of Consequence and little time to Spare this Session It drawing towards a Conclusion & we being obliged immediately to give our reasons to the right Honble the Lords of Trade & Plantations for passing the Law requiring the Lord Baltimore's Agents &c ut Supra, have assigned our Reasons & Communicate them to you for your Approbation or if you think necessary to add any further to them.

Signed p Order W Bladen Cl Coun.

M^r Mariartee and M^r Bordley bring up a Bill appointing Several Places to be lay'd out for Towns within this Province.

Which being read at the Board on due reflections of her Majesty's royal Instruction restrayning us from passing Laws (and already communicated to the House) We cannot pass this Bill but desire It may be referred to the consideration of the next Sessions

A Bill allowing the Importation of Bread, biskett and Indian Corn from the End of this Session of Assembly until the End of the next Session

p. 647 Which was read at the Board the first & second Times and passed

A Bill ascertaining what shall be allowed to Grand and petite Jurors in the Provincial and County Courts of this Province & Evidence summoned to attend in the said Courts.

Which being read in the Council the first time is referred to U. H. J. the Consideration of the next Session of Assembly.

The af^d three Bills sent to the House by Col Greenbury Cap^t West brought up the following Request from the House Viz.

By the House of Delegates Novem^r 9th 1709

Your Honours having concurred with this House for payment of the Charge of the Province in mony

This House humbly move your Honours to order the Treasurers to bring what mony & Bills of Exchange they have in Hand to pay it in proportion to the Members of your Board and this House and the officers & according to the Journal of the Committee of Accompts

Signed p order W Taylard Cl H^o Del

Upon reading whereof Ordered,

That the following Message be sent to the House by Col Coursey and M^r Hall

By the Council in Assembly Novem^r 9th 1709

Gentlem. If the Journal of the Committee of Accounts be perfected as to the allowances made this Sessions. We expect it should be laid before this Board for our perusal and approbation as usual

Signed p order W Bladen Cl Coun.

M^r Hunt and M^r Lee bring up the address to her Majesty ^{p. 648} to be signed by the members of this Board. Which was signed by the President & Council and sent to the House by M^r Hall & Col Whittington

The Petition of M^r Joseph Hill & divers others complaining of an undue Election this Day made of a delegate for this County, Is referred to the consideration of the House of Delegates

M^r Lee and Major Storey bring from the House Viz

By the House of Delegates Novem 9th 1709

This House return your Honours Thanks for your Care to answer the Lord Baltimore's objections against the Act requiring his Agents to publish the Conditions of Plantations & readily Concur & joyn with you therein

Signed p order W Taylard Cl Ho Del.

U. H. J. The Board adjourned until nine of the Clock to morrow morning

Thursday November the 10th 1709

The Council Sate Present as yesterday, Save Col Jenkins, Mr Greenfield & Mr Storey present, Mr John Brice a member for Ann Arundel County to be sworn which was done

The Accompts of the Provincial Court Justices on Several Circuits recommended to the Consideration of the House and sent by Col Coursey & Col Ennalls

Whereas several of the Country Arms are in the House of Col John Contee dec^d in Charles County Ordered that Col Finley Commissary at Arms take Care to place the same Arms with Col Smallwood & take his receipt therefore

p. 649 Mr Eccleston and Mr Storey bring up the Bill appointing Several places to be laid out for Towns with several Reasons given by the House of Delegates for passing thereof

Which being read at the Board, It was resolved that the said Bill being of an extraordinary nature this Board cannot now pass the same & hope the House of Delegates will not further insist thereon

The said Bill with the Endorsement sent to the House by Col Greenfield

Cap^t West and Mr Paca bring up a Bill imposing three pence p Gall as well on Liquors imported in Vessels belonging to this Province as on foreign Vessels and laying 3^d p Gall on all Liquors imported by Land instead of 9^d

Which being read at the Board Resolved that It is not fitt this Board should now pass the Act not thinking themselves Sufficiently impowered so to do or any immediate necessity appearing therefore

Ordered that a Commission issue appointing John Thomas Gentleman a Coroner in Baltimore County

Col Walter Smith and four other members bring up nine Engrossed Bills Viz.

A Bill reforming the ill practices of Sheriffs

A Bill Suspending the Act for Relief of Debtors & languishing Prisoners

A Bill repealing part of the Act relating to Attornys

p. 650 A Bill reviving the process in S^t Mary Baltimore and Dorchester County Courts

A Bill reviving the Act for Limitation of Officers Fees.

A Bill for naturalization of Daniel Packquett

A Bill confirming Lands to Col Holland & others.

A Bill confirming a Release made by Susannah Tracy to Mr James Heath

A Bill for relief of Tobias & John Pollard which were read ^{U. H. J.} and assented to by her Majesty's Honble Council in Assembly and sent back to the House by Col Ennalls

M^r Salter and three other members bring up five Engrossed Bills Viz.

A Bill appointing how long Suspected runaways shall lye in Prison and for the discharge of Indian Harry a Prisoner in Somersett County

A Bill to make valid a Lease made by Robert Smith Esq^r to Matthew Mason

A Bill to impower Tho's Edmondson the Surviving Executor of John Edmondson to sell Lands for paymt. of his Fathers Debts

A Bill for removing John Egerton into the Custody of the Sheriff of St Mary's County which were assented to by her Majesty's honble Council and sent to the House by Col Greenbury

Cap^t Henry Ridgley being removed out of Prince George's County into Ann Arundel

Ordered that Col Greenfield appoint M^r Thomas Claggett to be Captain of the Company late under the Command of the said Ridgley, And also appoint M^r James Vallace to command the Troop in Piscattaway Hundred as Captain thereof. And that the said Col Greenfield place such Subaltern Officers ^{p. 651} under them as he shall think fitt

M^r Philips and M^r Salter bring up the Journal of the Committee of Accompts

M^r Robins and M^r Eccleston bring up from the House. Viz.

By the House of Delegates Novem^r the 10th 1709

Before the Accompts of Itinerant Justices was laid before this House for allowance the Journal of the Committee of Accompts was compleated and this House have resolved to refer the Consideration of the allowance of the said Act till the next Session of Assembly.

Signed p Order W Taylard Cl Ho Deleg

M^r Salter and three other Members bring up a Bill for reviving the Act for regulating the Militia until the End of the next Session of Assembly Which shall first happen after the Arrival of a Cap^t Gener^l and Governour in chief in this Province. Which was read and sent to the House by Col Holland Col Ennalls Col Greenfield & Col Greenberry

The Board adjourned until eight of the Clock to Morrow morning

U. H. J.

Friday the 11th Novem^r 1709

The Council Sate Present as yesterday

Col Smithson and five other Members bring up the Bill for reviving the Act for regulating the Militia with the Amendments agreed to by the House which was again read and by this Board agreed to pass with the amendments proposed & sent to the House by Col Greenberry and Col Whittington

Mr Hemsley and three other members bring up the Laws
p. 652 to be sealed

The Journal of the Committee of Accounts read & assented to by the Board and sent to the House by Col Ennalls

Cap^t Crabb and Cap^t Jowles bring up the Engrossed Bill for reviving the Act for regulating the militia which was assented to by this Board and sent to the House by Col Ennalls

Resolved and Ordered by this Board that the publick Treasurers of this Province pay unto the Members of her Majesty's honble Council House of Delegates and officers belonging to the Gen^l Assembly & others to whom publick Allowances are made on the Journal of the Committee of Accounts this Sessions so much mony as the said Treasurers have in their Hands proportionable to the said Counsellours Delegates & other Persons allowance in the s^d Journal of Accompts

And the rest as fast as the mony comes to the said Treasurers Hands

The same resolve sent to the House of Delegates by Mr Hall & Col Whittington

Mr Jowles & Mr Mariartee Acquaint the honble President from the House that they have nothing lying before them

Ordered therefore that Col Holland & Col Coursey acquaint Mr Speaker & the House of Delegates that this Board is ready to receive them. Who return & say they have delivered their message

Then came Mr Speaker with the members of the House of Deleg to attend the Honble her Majesty's Council in the Council Room, And Mr Speaker presented the following Bills Viz.

p. 653 A Bill appointing how long Suspected Runaways shall lie in Prison and for the discharge of Indian Harry late a Prisoner in Somerset County

A Bill Suspending the Execution of an Act of Assembly Entituled an Act for the Relief of poor Debtors and languishing Prisoners.

A Bill reviving and Continuing an Act of Assembly of this Province Entituled an Act for the ordering and regulating of

the Militia of this Province for the better Security and Defence U. H. J thereof and for Supplying Some Defects therein

A Bill reviving an Act entituled an Act for limitation of Officers Fees

A Bill to reform the ill Practices of high Sheriffs within this Province

A Bill to allow the Importation of Bread Flower and Indian Corn from the End of this Sessions of Assembly to the End of the next Sessions

A Bill to repeale a Certain Clause of an Act Entituled an Act ascertaining Fees to Attornys & Practitioners of the Laws in the Courts of this Province & for levying the same by way of Execution

A Bill reviving and continuing of all process and proceedings in St Mary's County Court Dorchester County Court and Baltimore County Court from the first & second Tuesday in November 1709 to the last Tuesday of the same month

A Bill for the removing of John Egerton late of St Mary's County Planter now lying under Execution for Debt in the Custody of the Sheriff of Calvert County.

A Bill for relief of Tobias Pollard & John Pollard of Dor- P. 654
chester County Gentlem.

A Bill confirming and making good & Effectual in Law a certain Deed or Release made by Susannah Tracy wife of Tho^s Tracy late of Ann Arund County Carpenter to James Heath of the same County Gentlem.

A Bill impowering Tho^s Edmonson of Talbot County surviving Exec of his Father John Edmonson to sell & dispose of the Lands by the said John Edmonson left for paym^t of his Debts

A Bill confirming & making good & Valid in Law a certain Lease or deed of Demise made between Robert Smith late of Talbott County Esq^r dec^d and Matthew Mason of the same County Planter

A Bill for naturalization of Dan^l Packgett of Ann Arund County Labourer

A Bill confirming the Title of Lands therein mentioned unto Col W^m Holland Rich^d Harrison & Sam^l Chew

Which were all Sealed with the Great Seal used in this her Majesty's Province & by her Mātys honble Coun on behalf of her Majesty Signed and Willed to be Laws

After which the Honble the President with the Advice of the Board told the Speaker and other Members of the House of Delegates That the Council had thought fitt to Prorogue them until the 28th day of March next and that they were accordingly so prorogued

Thus Ended this Session of Assembly

W Bladen Cl Assembly

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a Session held at Annapolis, Oct. 25 to Nov. 10, 1709.

CHARLES CALVERT, LORD BALTIMORE,

Proprietary.

EDWARD LLOYD

President of Council.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss.

Journal of the second Session of Assembly begun at the City of Annapolis the 25th Day of October in the Eighth year of the Reign of our Sovereign Lady Ann Queen of Great Britain France and Ireland Defender of the Faith &^{ta} Annoq Dom. 1709 But it so happened that several of the Members of the House of Delegates not appearing on that Day the Honble Council were pleased to prorogue the same until the next Day as by her Majesty's Writ of Proclamation hereafter may appear Viz.

L. H. J.
Lib 41.
p. 213

Anne by the Grace of God of Great Britain France and Ireland and the Dominions thereunto belonging Queen Defender of the Faith &^{ta} To the Honble the Members of our Council within this our Province of Maryland and to the Delegates and Representatives of the several Counties and Cities in our said Province Greeting. Whereas by Proclamation under the Great Seal of this Province issued the 31st Day of August last you required to meet at the City of Annapolis the 25th Day of October Instant We have now thought fit further to prorogue you until the 26th Day of the same Month of October at which Time we will and require you to convene yourselves at the said City of Annapolis then and there to consult consent and Enact such Things as by the Favour of Almighty God shall happen to be moved and ordained for the Honour and Glory of God, Our Service and Welfare of this our Province whereof you and every of you are not to fail. And we do hereby command the several Sheriffs to give you due Notice, as they will answer the contrary at their Peril. Given at the City of Annapolis under the Great Seal of this our said Province. Witness myself this 25th Day of October in the Eighth year of our Reign &^{ta} Annoq. Dom. 1709

Edward Lloyd

Wednesday 26th Day of October Anno Dom. 1709.

The House met according to Prorogation and being called over were present as follows

Robert Bradley Esq. Speaker

Saint Mary's County

Talbot County

Capt. Tho^t Trueman Greenfield

Col^o Thomas Smithson

Capt. Henry Peregrine Jowles

Col^o Nicholas Lowe

M^r Joshua Guibert

M^r Robert Ungle

M^r Thomas Robins

L. H. J.
Lib. 41.Kent County
M^r Daniel PearceSomerset County
M^r John West
Major George Gale
M^r Samuel WorthingtonAnn Arundel County
Capt. Richard Jones
M^r Daniel Mariartee
M^r Joseph Hill

Dorchester County all absent

City Annapolis
Worrell Hunt Esq.
Thos. Bordley Esq.Cecil County
M^r Matthias Vanderheyden
M^r John Ward
M^r Edward LarremoreCalvert County
Capt. John Mackall
Col^o Walter Smith
M^r Nathaniel DarePrince George's County
M^r Robert TylerCharles County
Col^o James Smallwood
M^r Walter StoreyQueen Ann's County
M^r John Salter
M^r John Whittington
M^r Solomon Wright
M^r Philemon Hemsley

Baltimore County

Col^o James Maxfield
M^r James PhilipsM^r Aquila Paca
M^r Richard Colegate

p. 214 Being called over there were found wanting Col^o John Cood, for S^t Mary's County deceased, M^r Thomas Covington, M^r John Carville and M^r Edward Bathurst, for Kent County, deceased, Col^o Charles Greenberry for Ann Arundel County removed to the Hon^{ble} Council M^r Robert Skinner for Calvert County sick, M^r William Wilkinson and Capt Thomas Crabb, for Charles County absent M^r John Franklin for Somerset County absent M^r John Bradford in England, and M^r Philip Lee for Prince George's County absent Upon which the House made Choice of William Taylard to be their Clerk in the Room of M^r Richard Dallam who lies very sick. And Ordered That M^r Robert Tyler and M^r Samuel Worthington go with him and present him to the Hon^{ble} Council for Approbation and to see him qualified

They return and say they saw the Clerk qualified by taking the usual Oaths and signing the Test &c^a The Council having approved of him Col^o Thomas Greenfield and Col^o Charles Greenberry from the Honble Council requiring M^r Speaker

and the House immediately to attend the Honble Council in ^{L. H. J} the Council Chamber & so withdrew And thereupon Mr ^{Lib. 41.} Speaker and the Members attended the Council where the Honble President was pleased to direct himself to Mr Speaker and the Members of the House and declared the Occasion of calling this Assembly was pleased to say.

Mr Speaker, and you Gentlemen of the House of Delegates

Upon the Decease of his Excellency Col^o John Seymour our late Governor the Admn of the Government by her Majesty's Royal Commission to him is invested in us the Members of her Majesty's Council And having taken the same upon us thought it expedient to convene you at this Time to advise with and recommend to you the necessary and usual Means for raising a Supply to defray the Publick Charge of this present Year, which we are persuaded will not be very great and also to lay before you several Letters his late Excellency not long before his Death received from the Right Honble Lords Comm^{rs} of Trade and foreign Plantations and especially in Relation to the Ordinary Licenses which Sir Thomas Lawrence Barr^t her Majesty's Secretary of this Province complains you have unjustly taken from him besides other Fees of the Provincial Court. Gentlemen we desire you will once more either assert your Reasons for diverting the Fees of those Licenses from the Secretary or otherwise reannex them to his Office that we may not give him any just Occasion of Complaint to her Most Sacred Majesty, and the Right Honourable the Lords of the Co^r of Trade and foreign Plantations who have been so often importuned by him. As to all other Matters which may be thought advisable to be concerted this present Session we shall readily join with the House in expediting them for the Service of our Queen and Country Which being done Mr Speaker and the Members returned to their House, and a Copy of the Speech being sent to the House was here read and Ordered That Mr Thomas Smithson and Mr Geo. Gale, prepare an Answer thereto to be laid before the House to Morrow for Approbation.

Cecil County three Members being sworn and qualified before the Honble Council they entered the House and took their Places accordingly.

Ordered by the House That Mr Speaker issue out his War- ^{P. 215} rants to Mr Secretary for sending forth new Writs for Election for Members to serve in the Room of those that are dead and removed Viz. Saint Mary's County a Writ for Election of a Member to serve instead of Col^o Coode deceased.

L. H. J. Kent County for three Members to serve in the Room of
 Lib. 41. M^r Thomas Covington M^r John Carville and M^r Edward Bathurst.

Ann Arundel County for one Member to serve in the Room of Col^o Cha. Greenbery who is removed to the Honble Council

Dorchester County for two Members to serve in the Room of M^r Joseph Ennalls deced and M^r Roger Woolford commissioned Sheriff of the said County.

M^r Robert Skinner's Letter being brought into the House was read and wherein he shewed his Illness being not Capable to attend and prayed to be excused which was allowed of by the House.

Then the House proceeded to nominate and appoint the Several Committees as follows Viz. The Committee for Election and Privileges appointed by the House are Col^o Walter Smith, Capt. Richard Jones, Capt. John Mackall, Capt. John West, and M^r Robert Ungle. The Committee appointed to enquire and hear the Aggrievances &^{ia} are Colonel Walter Smith, M^r John Whittington, and M^r Robert Tyler

The Committee appointed to examine and state the publick Accounts of this Province are, M^r James Philips, M^r Joseph Hill and M^r Robert Ungle. The Committee of Laws appointed are Col^o Thomas Smithson, Col^o Nicholas Lowe, Capt. John West, Major George Gale, and M^r Samuel Worthington

Resolved That this House meet every Day at nine o'Clock in the Morning and sit till four in the Afternoon.

The House adjourns till to Morrow Morning 9 O'Clock.

Thursday October 27th 1709.

The House met again according to Adjournment, and being called over were present as Yesterday: And M^r Joshua Guibert, Col^o Walter Smith, and Thomas Frisby, and M^r Philip Lee entered the House and took their Places

It was moved by a Member that M^r Thomas Frisby a Member for Cecil Co^{ty} is not yet qualified to sit in this House. Therefore Ordered That M^r Joshua Guibert and M^r Walter Storey attend him to the Council that he may be qualified.

They return and say they saw M^r Thomas Frisby qualified by taking the Oaths &^{ia}

Committee of Election and Privileges ordered to go out upon their Committee

The Answer to the Honble President's Speech being prepared was brought into the House and ordered to be entered as follows

By the House of Delegates November 27th 1709

L. II. J.
Lib. 41.

May it please your Honours

We have considered your Honours Speech and shall diligently apply ourselves to raising a Supply to defray the publick Charge of this present year We shall take it well all Letters lately received be laid before us that we may know her Majesty's Pleasure and Commands But as to the Matter of Licenses the Ordinary-Keepers and the Tobacco paid for them we have traced the Original and Progress thereof, and neither find it a certain Duty to be always continued as such useful Subject nor necessarily affixt to the Secretary's Office but only sometimes by Accident permitted to those were Secretary's And further we conceive it a Thing so contrary to Right and Reason and the Equality and Indifference of Justice and so nauseous and odious to Subjects to have a Tax imposed on one Sort of Subjects to be applied to the enriching of one only Subject who not so much as sets Pen to Paper for it, nor has more than a bare Colour of Pretence, that we are sorry her Majesty by the unwearied Sollicitations of Sir Tho^s Lawrence require any Thing of us to which we cannot assent

We have prepared an Address about this and are desirous your Honours to join

We thank your Honours for so readily and diligently taking on you the Admn of Governm^t according to her Majesty's Royal Commission and we shall always be ready to support you in it and join with you in what is our Duty that her Majesty's Service and Welfare of the Province may not be impaired in the Absence of a Captain General and to shew our Dutifulness to her Majesty and good Affection to your Honours

Signed p Order W Taylard Cl. Ho. Del.

Which being read and approved of by the House was sent up to the Council by M^r Philemon Hemsley, M^r Ward, Capt. John West, M^r Robert Tyler, M^r Lee and M^r Walter Storey. They return and say they delivered the same

Col^o William Holland, Col^o Thomas Ennalls, Col^o Charles Greenberry, and Col^o William Whittington enters the House and delivers M^r Speaker a Message together with several Papers relating to S^r Thomas Lawrence. Which was read in the House and delivered to the Committee of Laws to inspect the same and make Answer thereto ready to be presented the House for their Approbation with a Message entered the 5th November

Resolved That M^r Thomas Bordley is duly and legally elected and qualified to serve for the City of Annapolis in this Assembly.

L. H. J. Therefore Ordered That he take his Place accordingly
Lib. 41.

Col^o Nathaniel Hynson Sheriff of Kent County pursuant to a former Order of this House made his Personal Appearance here and no Person appearing to prosecute any Complaint against him he is by this House discharged from his further Attendance paying Fees

The petition of John Edgerton a poor Prisoner being here read is referred for further Consideration. The Petition of Isaac Dixon and Peter Harwood read and referred for further Consideration till to Morrow Morning

p. 217 The Petition of Dom. Kingslaugh read in the House and referred till further Consideration.

Moved by a Member that forasmuch as M^r Wornell Hunt not being an Inhabitant of this Province three years before he was elected a Member to serve for the City of Annapolis therefore is not qualified to sit in this House

Which being argued and debated in the House, it is put to the Question whether the said M^r Hunt is qualified or not? Carried in the Negative and is thereby disabled from sitting.

Ordered That M^r Hunt be called into the House.

He appeared, and M^r Speaker was pleased to acquaint him of the Vote of the House. M^r Hunt took his Leave and departed. And Ordered That M^r Speaker issue his Warrant to the Sheriff for a new Writ to go out, directed to the Mayor of the said City &^{ts} to make an Election of a new Member to serve in the Room of said M^r Wornell Hunt

Col^o Thomas Ennalls, and Col^o Charles Greenberry enters the House and delivers to M^r Speaker a Copy of a Paragraph of the Lords of Com^{rs} of Trade and Plantations Lres relating to Copper Coin and other Matters relating to some Laws of Carolina.

After reading it's Ordered the same be recommended to the Committee of Laws requiring them to inspect the same and make Answer thereto, ready to be laid before the House to Morrow Morning for further Consideration

The Petition of some Inhabitants of Calvert County.

The Petition of some Inhabitants of Talbot County

Petition of Kent County all for Towns being read is referred to the Consideration of the next Session of Assembly.

Col^o Coursey from the Honble Council enters the House and delivers M^r Speaker the following Petitions.

Petition of M^r Joseph Hill, Petition of M^r Thomas Macnema, Petition of Samuel Meek, Petition of M^r John Rousby

Ordered they be laid aside and read in the Morning
The House adjourns till to Morrow Morning Nine O'Clock

L. H. J.
Lib. 41.

Friday October 28th 1709

The House met according to Adjournment, and being called over were all present as Yesterday. Read what was done Yesterday

The Petition of Joseph Hill recommended by the Honble Council was here read and referred to the Committee of Accounts to make Inspection into the Journals concerning the Prayer of the Petitioner and report the same to the House with all convenient Speed

The Petition of M^r Thomas Macnemara likewise recommended by the Council was here read and debated in the House.

Resolved it be recommended to the Committee of Laws to inspect the late Act relating to Attorneys at Law &^{ia} and report to the House their Sense upon the Prayer of the Petitioner

The Petition of Robert Dixon and Peter Harwood being Read the Consideration whereof is referred to the next Session of Assembly

M^r Hugh Eccleston and M^r Walter Cambell Members for p. 218
Dorchester County enters the House

Ordered That M^r Thomas Bordley and Capt Crabb go with them up to the Honble Council to see them qualified. They return and say they saw them qualified by taking the Oaths &^{ia}

Resolved That M^r Thomas Bordley be joined to the Committee of Accounts

Petition of Samuel Meek read and recommended to the Committee of Accounts for an Allowance.

Petition of M^r John Rousby sent down from the Honble Council with Indorsment was here read.

Resolved That the said M^r Rousby be required to give a particular Account of the Service he has done the Country, and this House, will further consider of the Prayer of the Petitioner

Committee for Election and Privileges enter the House and reports That M^r Hugh Eccleston and M^r Walter Cambell were duly elected to serve for Dorchester County according to Law. And thereupon they took their Places

Petition of Richard Young Gatekeeper ordered to be read and entered as follows

L. H. J.
Lib. 41.

To the Honble House of Delegates now sitting

The humble Petition of Richard Young Serjeant Attendant to this House, humbly sheweth

That heretofore in Consideration of the Services done by your Petitioner's Predecessors there hath been a Grant made them of the two Gate Houses Rent free during their Time of Service in that Station; and your Petitioner therefore in humble Manner prays the like may continue to him by the Assent of this Honble House, and as in Duty bound shall ever pray &c^a

Which being read and debated it is Resolved That the said Richard Young hold the Gate-Houses Rent free from the Country, so that he take Care of keeping the Town-Gate in Repair fit to keep Horses within it

Col^o William Holland, Col^o Coursey, Col^o Ennalls and John Hall Esq. from the Honble Council enters the House and presents M^r Speaker with following Message.

By the Council in Assembly October 28th 1709
Gent.

We think it very necessary to recommend to your Consideration the reviving of the Temporary Laws which now will otherwise expire, and we being desirous to give all ready Dispatch to this present Session, also communicate to you one of her Majesty's Royal Instructions in the following Words Viz.

Whereas we have been pleased by our Commission to direct that in Case of your Death or Absence from our said Province and in Case there be at Time no Person upon the Place commissioned or appointed by us to be our L^t Governor or Commander in Chief, the then present Council of our foresaid Province of Maryland, shall take upon them the Administration of the Gover^t and execute our said Commission and the several powers and Authorities therein contained in the Manner therein directed, It is nevertheless our express Will and Pleasure that our said Councill shall forbear to pass any Acts but what are immediately necessary for the Peace and Welfare of our said Province without our particular Orders for that Purpose Signed p Order W Bladen Cl. Co

Which being here read is referred for further Consideration M^r Daniel Sherwood Sheriff of Talbot County p Order of the last Session appeared here this Day to answer a Complaint exhibited against him for his Misbehaviour upon an Election of Delegates to serve for the said County The House having heard the Charge against him and heard what he had to say

in his Defence is ordered to withdraw Upon which they debated the same. L. H. J.
Lib. 41.

It is Resolved That the said Daniel Sherwood (upon that the said Daniel Sherwood) upon that Election committed several Irregularities

Therefore put to the Question whether he shall be fined or suffer by his Submission and Acknowledgment of his Offences Carried by the Majority of Votes That his Submission by Acknowledgment of his Fault and beg[ging] Pardon shall be allowed of And Ordered he make this Acknowledgment at the Bar of this House, and at the next County Court to be held for Talbot County in Time of Court sitting in these Words following.

Maryland ss.

Whereas I Daniel Sherwood Sheriff of Talbot County did at the Election of Delegates to serve for the said County in the Gen^l Assembly in December 1708 refuse the Poll when legally demanded, and adjourned the Poll to another Time and Place, and misbehaved myself at the said Election contrary to the Statute Law in that Case made and provided. I the said Daniel Sherwood do therefore acknowledge my Fault, and do humbly and sincerely beg Pardon of this Honourable House of Delegates and all other her Majesty's Subjects as well in Talbot County as the whole Province of Maryland.

Which Acknowledgment the said Daniel Sherwood made at the Bar of this House and Resolved That he pay the following Fees

To William Taylard Clerk of the House	£ 2.. 0.. 0
To Richard Young Serjeant Attendant	1.. 0.. 0
To Moses Adney	—.. 5.. 0

Upon Payment of the foregoing Fees and his Submission in Talbot County Court to be made the said Daniel Sherwood will be discharged from his further Attendance on the foregoing Complaint. By Order of the House a Copy of the foregoing Acknowledgment of the said Sherwood was delivered to M^r Robert Ungle one of the Members for the said County, who is desired to see that the said Daniel Sherwood do the same in said County as aforesaid.

Petition of William Bladen Esq. was read and referred to further Consideration

Col^o Thomas Ennalls one of the Honble Council enters the House and delivers M^r Speaker some Papers and Plot of some Indians Land with following Indorsement Viz.

L. H. J.
Lib. 41.

By the Council in Assembly October 28th 1709

We do recommend Col^o Whittington's Services on this Occasion to your Consideration and desire he may be ordered three thousand Pounds of Tobacco therefor in this Year's publick Levy

Signed p Order W Bladen Cl. Co.

Read and referred to further Consideration

Mary Seward's (of Dorchester County) Petition brought into the House and ordered to be read and considered of in the Morning.

p. 220 The Petition of Thomas Reading Printer referred till further Consideration

The Petition of Richard Acton together with a Memorial thereupon, referred to this Session of Assembly was read and referred for further Consideration.

The House adjourns till to Morrow Morning Nine O'Clock

Saturday 29th Day of October 1709

The House met again according to Adjournment and being called over were all present as Yesterday. Read what was done Yesterday

Message from the Council relating to Col^o Whittington's Claims for Survey and Plots of some Indians Lands was read and argued. Ordered by the House That Col^o Whittington appear

Col^o Whittington entered the House and shewed what Services he done for which he made his Claim and then withdrew. And then being debated; it is Resolved That he be allowed (for his Survey and Service therein) 1500^{lb} Tob^o this present year and 1500^{lb} Tob^o at laying the Levy for the year 1710.

The Petition of Richard Bennett Esq. praying Leave to bring in a Bill for the Sale of the Lands of John Howell deceased for Payment of Money due to him was here read and put to the Question whether a Bill shall be brought in this Session of Assembly or not? Carryed in the Negative and and the Consideration of the said Petition referred to the next Session of Assembly

Petition of some Inhabitants of Kent County praying a Town to be erected &^{ia}

Referred to the Consideration of the next Session of Assembly

Resolved a Bill be brought in for erecting Several Towns in this Province as by several Petitions to this House have

prayed. And thereupon the Several Petitions were sent up to the Committee of Laws to prepare a Bill

L. H. J.
Lib. 41.

Upon a Motion made to this House about the removing of Talbot County Court House Put to the Question whether the said Court House be still continued at the Town of Oxford or be removed to Armstrong's Old Fields in the said County?

Carried by the Majority of Votes that the Court House still continue at the Town of Oxford

Moved by a Member that forasmuch as some Persons were not satisfied with the Votes as aforesaid therefore Resolved That the following Question be put to the House whether the foregoing Vote be reassumed or not? Which was carried in the Negative And Resolved the Court House be settled and continued at Oxford Town pursuant to an Act of Assembly made for that Purpose

Upon M^r Marriattee's Motion to the House he had Liberty to go Home He took his Leave of the House and so withdrew

Ordered That the Committee of Laws prepare a Bil to continue all Process and Proceedings in S^t Mary's and Baltimore County Courts from the first Tuesday in November next to the last Tuesday in the same Month most of the Justices of the said Courts being Members attending this House. Sent to the Committee

Ordered That what Petitions lye before this House be read and considered of on Monday Morning next

The Committee of Aggrievances enters the House and reports as follows

By the Committee of Aggrievances October 29th 1709

It is humbly offered to this Committee as an Aggrievance that the several Ordinary Keepers within this Province have given large Credit to Sailors belonging to several Ships trading into the said Province to the great Hindrance of their said Masters Business for that when their said Sailors should be about their Service they are kept and detained by the Ordinary Keepers tipling in their Houses and likewise when the said Masters are ready to proceed on their Voyage they are forced to stay some Time to discharge their said Sailors Debts so contracted as aforesaid. All which is humbly offered to the Honble House of Delegates to consider thereof

Signed p Order John Beale Cl. Com.

Which being read in the House Resolved it is an Aggrievance and recommended to the Committee of Laws to prepare a Bill to prohibit Ordinary Keepers from trusting Sailors or suf-

L. H. J. fering them to be tipling in their Houses and that if they do they
 Lib. 41. shall have no Relief by Complaint to a Justice or any Action
 against any such Sailor for these Debts, and Ordered That
 Clerk of the County Courts give a Copy of this Law to each
 Naval Officer to be affixed publickly in his Office that the
 Masters of Ships may be acquainted therewith.

The House adjourns till Monday Morning Nine O'Clock

Monday the 31st Day of October 1709

The House again met according to Adjournment. Being
 called over were present as on Saturday

The Petition of Tobias and John Pollard of Dorchester
 County and a Bill brought in therewith was read the first Time
 and ordered a second Reading.

Petition of some Inhabitants of St Mary's County for a Town
 to be erected on Chaptico Run in the said County Read and
 granted. Sent to Committee of Law &^{ta}

George Ferguson and Sarah Philips Petition Read and fur-
 ther referred for Consideration

Isaac Nicholls, Son and Heir of John Nicholls late of Dor-
 chester County preferred his Petition and was here read and
 Ordered That a Bill be brought in to impower M^r Hugh Ec-
 cleston, M^r Walter Cambell, M^r John Hudson, M^r Henry En-
 nalls and M^r Govert Lookerman or any of them to value the
 Land in the Petition mentioned &^{ta}

Matthew Mason's Petition referred to further Consideration.

George Parker's Petition read and referred to Consideration
 of the next Session of Assembly

Richard Acton's Petition read and referred to M^r Thomas
 Bordley and M^r Rich^d Colegate to make Enquiry into the
 Complaint of the Petitioner and report it to the House with all
 convenient Speed.

Samuel Dorsey's Petition read in the House and rejected

Queen Ann's County Petition for removing their County
 Court House rejected.

Daniel Packet's Petition praying Naturalization was read
 and granted. Recommended to the Committee of Laws to
 prepare a Bill for that Purpose

p. 222 The Petition of John Edgerton late of Saint Mary's County
 a poor Prisoner in Custody of the Sheriff of Calvert County
 praying to be removed from the Custody of the Sheriff of Cal-
 vert to the Sheriff of Saint Mary's County being Read and
 considered

It is Resolved a Bill be brought in for his Relief as prayed.

The Petition of Dominick Kingslaugh of Kent County set-
 ting forth that he being a Prisoner in Custody of the Sheriff of

Kent County applyed himself to the Justices of the said County for the Benefit of the Act of Assembly for Relief of poor Debtors &c^a which they denyed him and used several reproachful Words against the said Act and the Makers thereof. Therefore Ordered by the House That the Sheriff of Kent County cause Col^o Edward Blay, Col^o William Pearce, M^r James Harris, M^r Philip Hopkins, and M^r William Pott, Justices of the said Court to attend this House to answer the Complaint of the Petitioner and that the said Sheriff also bring before this House the said Prisoner in his Custody to prosecute his said Complaint and also James Smith Clk of the said County, Thomas Jackson, William Mackey, John Willinger and all such other Evidences as the said Kingslaugh shall nominate to the said Sheriff and that without Delay.

L. H. J.
Lib. 41.

And Ordered That Copy thereof be immediately dispatched away to the said Sheriff.

A Report of the Committee of Accounts upon M^r Hill's Petition was brought into the House and referred to further Consideration

Col^o Tilghman Sheriff of Queen Ann's County Petition was here praying an Allowance for conveying publick Packets this year recommended to the Committee of Accounts of Allowance of 1500^{lb} Tob^o

Thomas Edmondson's Petition and Col^o Whittington's Petition with Representation and Certificate of M^r Thomas Truman Greenfield and M^r Henry Peregrine Jowles with Indorsm^t from the Honble Council brought into the House by the Honble Col^o Charles Greenberry and Col^o Whittington. Ordered by M^r Speaker to be laid by for reading to Morrow Morning

The House adjourns till to Morrow Morning nine O'Clock.

Tuesday November 1st 1709

The House met again according to Adjournment

Being called over were present as yesterday but Col^o Thomas Smithson, and M^r Wright who lye sick

Read what was done Yesterday

The Petition of some Inhabitants of Baltimore County for removal of the County Court House was read and debated. Put to the Question whether the Court House be continued as settled by a late Law or that it be put to the Vote of the Inhabitants of the County? Carried by Majority of Votes that the Court House for that County continue where it is settled by Law

The Petition of Matthew Mason again read. Resolved the Petitioner have Liberty to bring in a Bill as prayed

L. H. J. The Petition of John Richard and Jacob Stallings was read
 Lib. 41, and put to the Question whether a Bill be brought in or not?
 p. 223 Carried in the Negative

The Petition of Thomas Edmondson the surviving Executor of John Edmondson late of Talbot County deceased praying Leave to bring in a Bill to sell Lands belonging to his Father for Payment of his Father's Debts. Which being read it's thought reasonable. Therefore Resolved a Bill be brought in as prayed.

Col^o Ennalls from the Honble Council enter the House and desire M^r Speaker that two Members might attend the Council to see Mad^m Contee prove her late Husband's Accounts.

Ordered M^r Philemon Hemsley and M^r Daniel Mariartee attend the Council for that Purpose.

They return and say they saw her prove the Accounts

Col^o Whittington's Petition was read and having Leave to speak to it he came into the House and M^r Speaker having heard what he had to say and so withdrew And the Matter in the Petition contained being debated in the House, It's put to the Question whether Negro Slaves pay Fees or no? Carried in the Affirmative that fees are due from them & ought to be paid. And put again to the Question whether the County or the Public pay such fees? Carried by the Majority that the County where the Fact has or shall be committed pay Fees

Recommended to the Committee of Laws that they inspect the Act against Blasphemy and Ordered a Bill be brought in ascertaining how that Fees be paid and insert a Clause how Jurors and Evidences for their Attendance be paid

Col^o Greenberry and Col^o Whittington from the Honble Council enter the House and deliver M^r Speaker the following Message.

By the Council in Assembly November 1st 1709

Gent. We hold it necessary upon our present Meeting tho' some Months after her Majesty's Royal Commands received to acquaint you her Majesty has been pleased to declare her Dissent to the Act empowering the Farmers of the Lord Baltimore's Rents to recover the Arrears thereof after the Expiration of their Lease, and you are to take Notice the said Law is accordingly repealed.

Signed p Order W Bladen Cl. Co.

And likewise was brought into the House M^r Attorney General's Report to the Lords of Trade and Plantations upon the Act giving Power to the Farmers to recover the Arrears and upon the Act requiring the Lord Baltimore's Agents to

certify into the Secretary's Office their Instructions and Con- L. H. J.
ditions of Plantations &^{ta} Lib. 41.

Which being read in the House were ordered to be returned.

Resolved the Committee of Laws inspect the Act relating to Blasphemy, Fornication and Adultery and how Criminals Fees shall be paid and likewise how Evidences and Jurors be paid for their Attendance and report their Opinion therein to the House by all convenient Speed

Moved by a Member that it's necessary a Bill be brought in to ascertain the Time of Imprisonment of Runaway Servants and such Servants not being claimed in six Months after such Imprisonment then the County Court to discharge such Prisoners paying their Fees.

Likewise a Clause be inserted in such Law for Relief of P 224
Indian Harry now a Prisoner in Custody of the Sheriff of Somerset County: Being debated

Resolved a Bill be brought in for that Purpose

The Committee of Aggrievances enter the House and delivers M^r Speaker their Report in writing; which is referred till to Morrow Morning for Consideration of the House.

Bill for Continuance of all Process and Proceedings in S^t Mary's and Baltimore County Courts.

Read the first and Second Time and do pass

Sent up to the Honble Council by M^r Walter Cambell, M^r Joshua Guibert, M^r Daniel Pearce and M^r Paca with the following Message Viz.

By the House of Delegates November 1st 1709

The Bill herewith sent is for Continuing S^t Mary's and Baltimore County Courts this being the Day they ought to be held and we desire the Honble Council will concur with the Bill and that it may be returned to be ingrossed and pass the Great Seal this Day

Signed p Order W Bladen Cl. Ho. Del.

Upon Proposal made by a Member of the House it is Ordered by M^r John Salter M^r Philemon Hemsley, M^r Nathaniel Dare, and M^r Richard Colegate be and are appointed a Committee to inspect the Account of 12^d p Hhd and how the fourth Part thereof appropriated for Arms has been disposed of since the last Act made up and likewise inspect and view the Magazine of Arms and Ammunition and how and in what Condition it lye and report the same to the House with all convenient Speed. Read and approved of and a Copy delivered them who are ordered to go out thereupon.

L. H. J. The Gentlemen sent up with the Bill for continuing the
Lib. 41. Process &^{ia} return and say they delivered the Bill

Col^o Coursey and Col^o Greenberry enters the House and brought with them the Bill for continuing the Process &^{ia} and delivers M^r Speaker the following Message.

By the Council in Assembly November 1st 1709

In Answer to your Message by M^r Campbell and three other of your Members this Board do say that it has not been practicable in this Province to pass any single Bill before the Conclusion of the Session and the Effect of this Bill as is easily provided by a Bill to revive the Process of the said County Courts and impower them to hold Courts the last Tuesday of this Month. The People will not be sooner eased of their Apprehensions by the Bill proposed than by their Representatives, acquainting them of the reviving Bill, being past for their Relief which will be done at the same Charge.

Signed p Order W Bladen Cl. Co.

Upon reading whereof it is ordered That the Committee of Laws prepare another Bill as proposed

The House adjourns till to Morrow Morning Nine O'Clock

Wednesday 2nd November 1709

The House met according to Adjournment Being called over were all present as yesterday and Col^o Smithson. Read what was done yesterday.

p. 225 Moved by a Member that for sooner Dispatch of the Business before the House some of the Honble Council be desired to join with some Members of this House to regulate the Officers Fees.

Therefore Resolved the following Message be sent up to the Honble Council for that Purpose

By the House of Delegates November 2nd 1709

May it please your Honours,

This House have considered that for sooner Dispatch of the Business before them have resolved that your Honours be desired to join some of the Members of your Board with some Members of this House to regulate the Officers Fees; the Act for Limitation of Officers Fees expiring this Session

Signed p Order W Taylard Cl. Ho. Del.

Sent up by Col^o Smith, Capt. Crabb, M^r Storey and M^r Tyler. L. H. J.
Lib. 41.
They return and say they delivered the same

The Report of the Aggrievances brought in last Night being here debated

Resolved the same are of great Aggrievance to the Province
Ordered the same be drawn up into a Message praying to be relieved therein. Which follows Viz.

By the House of Delegates November 2nd 1709.

It having been reported to and adjudged by the House that it is an Aggrievance to the Province that for some Years past the Custody of the Great Seale has been in the Hands of the Govern^r who by Virtue thereof sits as Chancellor or Judge in the High Court of Chancery and that upon any Appeals or upon any Bill of Review before the High Court of Appeals the same Person is their Chief Judge also which is but appealing from the Judgment of a Person in one Court to the Judgment of the same in another and very rarely any other Judgment rendered than at first Therefore this House humbly desire the Honble Council to join with them in an Address to her Majesty that the Custody of the Great may no longer be in the Hands of the Governor but in the Hands of such other Person as her Majesty or the Gov. and Council here shall appoint

Also it's reported to and Resolved by this House as an Aggrievance that one and the same Persons are Justices in the Provincial Court and in the County Courts

Also it is Reported and Resolved by the House as an Aggrievance that several Places of Profit within this Province are in the Hands of one Person which Offices would be better officiated and Business better done and sooner dispatched if the Places were in the Hands of several Persons and be sufficient to maintain them besides it is a great Discouragement to the several Inhabitants of this Province who are well qualified for such Places that Persons less deserving and not qualified according to Law hold Places of Profit and many Times one Person several Offices

Also it's Reported to and Resolved by the House as an Aggrievance that there are separate Commissions for the County Courts and that the Charge of the Commissions being so often renewed is a greater Burthen to the Counties than it was formerly when there was but one Commission and all the Justices sat as Judges on the Bench

Also it is Reported to and Resolved by this House as an Aggrievance that Places of Trust and Profit especially the Sheriff's Office have been of late sold to such Persons as would p. 226

L. H. J. give most Money or Tobacco for them; whereby several Persons have been commissioned that are very uncapable and not qualified and of too mean Capacity and Estates to execute and perform their Duty and Office and Inhabitants thereby much aggrieved and oppressed and very slender Securities given for performing their Offices whereby great Losses have and are likely to happen to her Majesty's Subjects within this Province. It is also Reported to and Resolved by this House as an Aggrievance That the Provincial Court hath Jurisdiction over so small Sums whereby all Actions are almost brought there where the Charge very often exceeds the Debt or Demand and is of great Trouble Charge and Fatigue to the Suitors both Plff. and Def^t and many Times occasions the Plaintiff to lose both his Debt & Cost and perpetual Imprisonment of the Defendant's Body or Ruin of his whole Estate All which said six last Aggrievances this House humbly desire her Majesty's Honble Council to join with them in redressing and that the Honble Council will join some of their Board with some of the Members of this House in a Conference to consider of the Ways and Means to redress the same and of the Method and Manner of settling the Courts of Judicature and their Jurisdictions with the Manner of their Proceedings and the Qualifications of their Officers Signed p Order
W Taylard Cl. Ho. Del.

Which being read and approved of was sent up to the Honble Council p Col^o Walter Smith, M^r John Whittington M^r Robert Tyler M^r Daniel Mariartee, M^r Thomas Frisby and M^r Thomas Robins. They return and say they delivered their Message.

The Petition of Richard Llewellyn Read and rejected.

Col^o Coursey and Col^o Whittington enter the House and deliver M^r Speaker the following Message Viz.

By the Council in Assembly November 2nd 1709.

The Right Honble the Lords of Trade and Plantations having recd the Lord Baltimore's Objections to the Act requiring his Agents to certify into the Secretary's Office the Instructions and Conditions of Plantations with the Fees for them demanded and obliging his Lordship's Deputy Surveyors to qualify themselves according to Law have desired to be informed of the Reasons for passing the said Act. And what other Observations may be necessary thereupon We desire therefore you will take the same into Consideration and make such Observations thereon for their Lordship's better Satisfaction as you shall think fit

Signed p Order W Bladen Cl. Co.

Was here read and Ordered a further Consideration

L. H. J.
Lib. 41.

The Petitions of some Inhabitants of Choptank River praying a Town at Barker's Landing in Talbot County Read and debated. It's put to the Question whether Leave be given to bring in a Bill or not? Carried in the Affirmative and Resolved a Bill be brought in for erecting a Town as prayed to contain 25 Acres of Land

M^r Hill's Petition praying an Allowance of fifty Pound &^{ta} Put to the Question Whether the Money be allowed and paid now or referred till next Session? Carried by a Majority of Votes that it be referred till next Session and then to be further considered of And Ordered That Col^o Smithson inspect his Papers and publick Accounts relating to the Claim of the Petitioner and Report it to the House next Session of Assembly Moved by a Member that inasmuch as it is absolutely necessary for the Conveniency of the Country that the Act against Bread and Beer &^{ta} be rejected. P. 227

Upon which it is Resolved a Bill be brought in for that Purpose

The Petition of some Inhabitants of the Head of South and Severn Rivers praying a Chapel to be erected, Read and debated: And Ordered by the House That the Vestry of each adjacent Parish meet and appoint the Place where the Chapel shall stand or whether the Parishes may be divided and make Report thereof to this House next Session of Assembly and then this House will further consider

Petition of Nicholas Fitzsimmonds praying an Allowance for a Horse press'd from him and dyed was read with Indorsment thereon and recommended to the Committee of Accounts to allow him five Pounds for Satisfaction of his Horse Representation of M^r Jowles and M^r Greenfield relating to Things stolen from some Chaptico Indian Queen was read and debated in the House and is referred to the Committee of Accounts to allow said M^r Jowles and M^r Greenfield 10^{lb} to be laid out by them and to be delivered to the said Indian Queen in Recompence of her Loss

And Ordered M^r Jowles and M^r Greenfield render an Account thereof to the next Session of Assembly.

The Petition of Nicholas Clouds relating to a Mill &^{ta} was read in the House and the Consideration thereof referred to next Session of Assembly

And Ordered That the Sheriff of Queen Ann's County give Notice to the Petitioner to appear then to prosecute the Petition and likewise M^r Renatus Smith & M^r Ivy Ex^t of Robert Smith Esq. deceased and M^r William Sweatnam be summoned to appear then and there to make their Objections (if any)

L. H. J. Col^o Greenberry and M^r Hall enter the House and deliver
 Lib. 41. M^r Speaker the following Message

By the Council in Assembly November 2nd 1709

Gent. We having already communicated to you her Majesty's Royal Instructions restricting us to pass Laws upon the Death or Absence of her Governor are not willing to alter any Officers Fees, yet to shew how ready Inclinations to do what in us lies for the Good and Benefit of the Country, We are willing to join with you in any proper Measures to redress any Abuses committed by any of the Officers within this Government in exacting Fees not legally due tho' we think the Law has already sufficiently provided against such Abuses
 Signed p Order W Bladen Cl. Co.

Read and laid by.

Col^o Coursey and Col^o Whittington enter the House and deliver M^r Speaker the following Message from the Honble Council. Ordered to be entered here Viz.

By the Council in Assembly November 2nd 1709.

Upon Enquiry after some Certificates of Lands in the Secretary's Office it is said a Book of Returns about the Year
 p. 228 1689 is missing; and we observing an open Chest standing in the Free-School Porch exposed to the Weather so that several Certificates of Land and other Instruments therein relating to Lands are damnified and spoiled Amongst which we find several Certificates of Land returned near about that Time which are indorsed, Entered upon Record tho' no such Record to be found. Recommended it to the Consideration of your House whether it may not be proper to appoint some fit Person to inspect and take an Account of the Papers and Books (if any) in that Chest and that such Certificates as are not entered on Record may be so done by the next Session of Assembly and the said Chest and Papers better secured in the Land Office.

And whereas it is said a Book concerning Lands in Ann Arundel and Prince George's County was burnt in the late Fire of the Court House and that M^r James Heath has acquainted some of the Members of this Board that he had a Book wherein are the Copies of the Certificates recorded in the aforesaid Book so burnt taken by M^r Evan Thomas and M^r Thomas Jones now living and will make Oath thereto We desire your whether it may not be proper to have the said Record renewed by transcribing

Signed p Order W Bladen Cl. Co.

Which was read and upon reading the first Part of the said Message it's the Opinion of the House that it is the Secretary's Duty to remove the Chest and take Care of the Papers And Ordered he be sent for and acquainted therewith

L. H. J.
Lib. 41.

The Secretary appeared and M^r Speaker acquainted him that it was the Opinion of the House that it was his Duty to take the Chest and secure it in his Office and that he take a List of all the Papers Books and Certificates therein and lay before this House the next Session of Assembly which he promised to do. And then M^r Secretary withdrew. And Ordered the other Part of the Message be referred till to Morrow Morning for Consideration

Bill for Relief of Tobias and John Pollard, read the second Time & will pass

Bill for Relief of Thomas Edmonson &c^a Read the first Time and ordered a second Reading

Bill for Relief of Matthew Mason Read the first Time and ordered a second Reading to Morrow Morning And that M^r Ivy had Liberty to attend the House and make his Objections (if any)

The House adjourns till to Morrow Morning Nine O'Clock

Thursday November 3^d 1709

The House met according to Adjournment and being called over were present as Yesterday

Ordered That M^r John Salter, M^r Robins, M^r Dare, M^r Colegate and M^r Hemsley be and are appointed to go out and view the Court House Building and see if M^r Bladen has complied with his Bargain & report it to the House with all convenient Speed.

Richard Young's Petition read and further referred.

p. 229

M^r Bladen's Petition read and is referred till the Gentlemen appointed to view the Court House make their Report

Petition of Thomas Redding read and rejected

Report from the Committee of Laws ordered to be entered Viz.

By the Committee of Laws Wednesday 2nd November 1709.

As to the Law relating to poor Debtors &^{ia} it's the Opinion of this Committee that it will be convenient to make an Act of Assembly to suspend the Execution of the said Act till the End of the next Session of Assembly; And as to the Law ag^t Importation of Bread and Flour &^{ia} it is the Opinion of this Committee that it will be best for the Interest of this Province to make a Law to allow the Importation of Indian Corn till the tenth of October next and not repeal the whole Law.

Signed p Order Dan^l Dulany Clk. Com.

L. H. J. Its put to the Question whether it shall be suspended till
 Lib. 41. next Session or not? Carryed in the Affirmative And as to
 the Act against Importation of Bread and Flour put to the
 Question whether the whole Act be repealed or not? Carryed
 in the Affirmative and Resolved the Committee of Laws pre-
 pare a Bill to repeal the whole Law

The Report of M^r Bordley and M^r Colegate relating to
 Acton's Petition read and debated and the Petition is rejected

Bill for Relief of Thomas Edmondson read the second Time
 and committed for Amendment. Col^o Holland and Col^o Cour-
 sey enter the House and deliver M^r Speaker the following
 Message

By the Council in Assembly November 2nd 1709

This Board is willing to gratify you in joining in the Con-
 ference proposed, and to that Purpose have appointed the
 Honble Col^o Holland, Col^o Ennalls, Col^o Coursey and M^r Hall
 to join with the Members appointed by your House at such
 Time and Place as they shall have Notice of.

Signed p Order W Bladen Cl. Co.

Upon reading of which the House have appointed Col^o
 Thomas Smithson, M^r George Gale, Col^o Lowe, Col^o Smith,
 M^r Robert Ungle, M^r Bordley, M^r John Salter and M^r Worth-
 ington who are ordered to attend the Conference proposed

M^r Ungle and M^r Gale ordered to attend the Council to see
 M^r Wornell Hunt qualified

They return and say they saw him qualified by taking the
 Oaths &^{ta}

The Gentlemen of the Conference enter the House and
 delivers M^r Speaker their Report

Which was ordered to be read and entered as follows Viz.

Maryland ss. At a Conference held at the House of M^r
 Philemon Lloyd in the City of Annapolis this third Day
 November 1709

Present

p. 230	Of her Majesty's Honble Council	Of the House of Delegates
	Col ^o William Holland Col ^o William Coursey Col ^o Thomas Ennalls John Hall Esq.	Col ^o Thomas Smithson Col ^o Nicholas Lowe Major George Gale Col ^o Walter Smith M ^r Robert Ungle M ^r Thomas Bordley M ^r John Salter M ^r Samuel Worthington

Appointed to enquire into some Aggrievance and the way to redress them &^{ta} L. H. J.
Lib. 41.

1. As to that Part which relates to the Custody of the Great Seal being the Hands of the Governor it's the Opinion of all the Conferrees that is an Aggrievance and that the Way to redress it is by the Council and Assembly joining in an Address to her Majesty as proposed

2. As to the second relating to one Person being a Justice in the Provincial and County Courts at one and the same Time the Conferrees agree it is an Aggrievance and the Honble Members of her Majesty's Council acquaint the Gent. of the House of Delegates that it is already redressed.

3. As to what relates to one Person holding several Offices it is the Opinion of the Conferrees that if any Person hold the Chancellor's Office, the Comry General's Office, Secretary's Office, Sheriff's Office, a Clerk of the County Courts Office together with any other Office or Place of Profit it is an Aggrievance and that the House of Delegates address the Council Board to redress it as far as in them lie

4. As to the fourth which relates to the County Courts Commissions, the Conferrees agree that they having to sepe-rate Commissions is an Aggrievance and that it may be redressed by having one Commission for all as formerly and that the Number of Justices exceed not Eight in any County

5th As to the fifth which relates to the Sheriffs and others buying of Offices the Conferrees agree it is a great Aggrievance and it is the Opinion of the Conferrees that for the future the Justices of County Courts in March Court before the Sheriffs Time expires nominate two or three Persons for Sheriffs out of which the Governor and Council shall appoint one for Sheriff

6 As to what relates to the Provincial Courts Jurisdiction in small Sums the Conferrees agree it is a great Aggrievance and that the proper way and Time to redress it will be by making Application to the next Governor and that in the mean Time the County Courts Commissions may be enlarged.

All which is submitted to the Consideration of her Majesty's Honble Council and the House of Delegates

Signed p Order Rich^d Dallam Clk. Conference

Which said Report of the Conferrees was here read and the House concurred therewith

The House adjourns till to Morrow Morning Nine O'Clock.

Friday the 4th of November 1709

p. 231

The House met again according to Adjournm^t

L. H. J. Being called over were present as yesterday, and Wornell
 Lib. 4th. Hunt Esq. Member for the City of Annapolis took his Place.
 Read what was done yesterday

Committee of Election and Privileges sent out to enquire into the Election of Wornell Hunt Esq. to serve for the City of Annapolis.

They return and say that the said Wornell Hunt is duly elected according to Law

Samuel Young Esq. Treasurer for the Western Shore enters the House and delivers his Accounts to M^r Speaker who sent them to the Committee of Accounts for their Inspection.

Col^o Thomas Ennalls and Col^o Charles Greenberry enter the House and delivers the following Bills and Papers Viz.

Bill for Removal of John Edgerton from the Prison of Calvert County to St Mary's County

Indorsed in the Council November 3^d 1709 Read the first Time and recommended to the House of Delegates

Signed p Order W Bladen Cl. Co.

Nov^r 4th 1709

Read in the House of Delegates first Time and ordered a second Reading

Petition of some Inhabitants of Saint Mary's and Charles County praying a Town at Truman's Creek read and recommended to the Committee of Laws to prepare a Bill

Petition of Thomas Ottoway praying an Allowances &^{ta} read and recommended to the Committee of Accounts for an Allowance of a 1000^{lb} Tobacco.

The Petition of some Inhabitants of Prince George's County praying a Town at Piscattaway

Read and granted. Sent to the Committee of Laws for a Bill to be prepared.

The Petition of the Inhabitants of the Head of Wye River in Queen Ann's County and Talbot County praying a Town to be erected at the Freshes of Wye River Read & granted and Ordered the Committee of Laws prepare a Bill

The Petition of Susannah Tracey to bring in a Bill for confirming Land to M^r Heath

Read and Leave given to bring in a Bill for that Purpose

And the Bill being brought in as prayed read the first Time and ordered a second Reading Moved by a Member whether it may not be for the Conveniency of the Country to bring Tobacco to Towns. Put to the Question whether Tobacco be brought to Towns or not?

Carried in the Negative.

The Petition of John Young praying Allowance for his Salary read and referred to the Committee of Accounts to allow him his Yearly Salary; and Ordered That the Pet^r John Young satisfie George Valentine for his Trouble and Attendance during his Sickness

L. H. J.
Lib. 41.

Bill for confirming a Deed from Robert Smith Esq^r to Matthew Mason, Read the second Time, and pursuant to the Order Yesterday M^r Ivy was admitted in the House to make his Objections &th and M^r Speaker having heard what he had to say withdrew

Put to the Question whether the Bill pass or not? Carried in the Affirmative; and Resolved the Bill do pass.

Bill empowering Trustees to value and sell Land in Dorchester County Isaac and John Nicholls Petitioners; Read the first Time and referred to the Consideration of the next Session of Assembly and that the Persons within named value the Land and make Return thereof to this House the next Session of Assembly.

Moved by a Member in as much as it's thought necessary for reviving the Act for Officers fees.

Resolved a Bill be brought in for that Purpose

p. 232

Which Bill being prepared was brought in and read the first and second Time and by especial Order will pass. And

Ordered M^r Hemsley M^r Lee M^r Robins and M^r Whittington carry the Bill up to the Honble Council for Concurrence. They return and say they delivered the Bill

Col^o Ennalls, M^r Hall and Col^o Whittington enter the House and deliver the foregoing Bill for Officers Fees Indorsed November 4th 1709 By the Council in Assembly Read the first Time and this Bill will pass on being continued until the End of the next Session of Assembly which shall first happen after the Arrival of a Capt Gen^l and Gov^r in Chief of this Province such Session being proper to regulate the Officers Fees in which we then shall readily join

Signed p Order W Bladen Cl. Co.

Which Bill and Indorsment being read in the House it is ordered the same be indorsed thus.

By the House of Delegates November 4th 1709.

Read the third Time with the Indorsment and the House cannot consent to the Amendment proposed but pray the Bill may pass with this Amendment to continue for and until the End of the first Session of Assembly or the End of six Months which shall first happen after the Arrival of the next Capt. Gen^l

Signed p Order W. Taylard Cl. Ho. Del.

L. H. J. Which Being read it was sent up again to the Council by
 Lib. 41. Col^o Smith, M^r Hemsley, M^r Dare, and M^r Robins for their
 Honours Concurrence They return and say they delivered the
 Bill. Col^o William Holland Col^o Greenfield and Col^o Green-
 berry enter the House and brings with them the foregoing
 Bill for reviving the Act for Officers Fees with the following
 Indorsment.

By the Council in Assembly November 4th 1709

Read the second Time and the Houses Amendment agreed
 to and past for ingrossing Signed p Order
 W Bladen Cl. Co.

Which being read, it is again read the 4th Time and past for
 ingrossing

The Committee of Aggrievances enter the House and report
 as follow Viz.

That it is an Aggrievance to the several Inhabitants of this
 Province that the several Sheriffs within the same Province do
 refuse to take for their publick Dues good Merchantable To-
 bacco when tendered them on Discount when they have Or-
 ders drawn on them payable to any Planter for publick Dues
 but on the Contrary presses on the Poor by executing their
 fine Tobacco if they do not comply upon their Terms saying
 that it is at their Election to pay their Claims at any Part of
 the County tho' never so inconvenient to the Party claiming.
 Which being read and debated in the House it is Resolved an
 Aggrievance and ordered the Committee of Laws bring in a
 Bill this Session to relieve that Evil. Likewise it is represented
 as an Aggrievance to the Inhabitants in Gen^l that there should
 be Liberty given to any Persons to hire any Lawyers practicing
 the Law in any Courts within this Province for any certain
 Sum p Ann. which gives great Encouragement to the Person
 hiring such Lawyer to bring as many Actions as they can in
 Consideration that the Fees due to the Lawyer belong to him-
 self which perhaps in the year amount to a considerable Sum
 more than what he is to pay the Lawyer which gives Room to
 judge that if the same Person was to pay a ffee in every Action
 he would bring the fewer but to be sure he will endeavour
 whether Occasion or not to bring as many Actions in the year
 as will amount to the Sum he is to pay his Lawyer which is
 humbly offered to the Honble House of Delegates to consider
 thereof Signed p Order Jn^o Beale Clk. Com.

p. 233 Which foregoing Paragraph was read and considered of
 and it's the Opinion of the House it's no Aggrievance. Like-
 wise the said Committee reported to the House as follows Viz.

By the Committee of Aggrievances November 2nd 1709 L. H. J.
Lib. 41.

It is represented as an Aggrievance that the Secretary of Maryland should claim and assume to himself without any Authority either by Law or by his Commission such arbitrary Despotick Power over the several Clerks in the Provincial and County Courts and also over the Register in Chancery as to turn all or any of them out of their respective Offices at his Pleasure without being liable to shew Cause to the respective Courts where such Clerks are Officers for his so doing by which Practices has not only Opportunity of depriving our Sovereign Lady the Queen of her approved Servants in those Offices for his mere Phantasie and imposing upon the Queen and her Subjects such Persons to serve in such Offices as are only qualified to receive the Profits whilst perhaps a more deserving Person being their Deputy for a small Salary do the Business but also an Opportunity of constraining them to comply with any Demands of his tho' never so unreasonable whether it be to the Prejudice of the Queen or her Subjects here upon Pain of his Displeasure, which is the Loss of his Office and perhaps his only Dependance for Bread; and also by his having such an Arbitrary and illegal Power as aforesaid their Offices are made so very precarious that they are rendered very liable to Corruption in them either out of fear or favour to the Secretary who is often himself a Suitor to those Courts; and also the said Practices tend very much to the Discouragement of the Inhabitants to qualifie themselves or their Children for such Offices.

And further it's offered as an Aggrievance that the Secretary does not pursue the Orders of his late Majesty King William in Council annex by Way of his Instructions to said Office, but acts contrary thereto and demands from the County Clerks a considerable Sum of Money or Tobacco Yearly on Pretence of having a Right to tenth Part of their Perquisites, tho' he has never complied with the Conditions upon which such tenth Part was to be given him, for if the tenth Part were lessened in the County Clerks fees or otherwise applied to the publick Use it might be of great Service to the Country; whereas it is now paid to one that demands it as his Right in Consideration of doing a Thing which he has never done. All which is humbly offered to the Consideration of the Honble House of Delegates

Signed p Order Jn^o Beale Clk Com.

Which being read it's Resolved an Aggrievance and referred to the next Session of Assembly for further Consideration

The Committee of Aggrievances further reports as follows
Viz'

L. H. J.
Lib. 41.

It's humbly offered as an Aggrievance that Charles Carroll and Amos Garrett and others of the City of Annapolis ask, require, take, demand, and extortiously receive of her Majesty's Good Subjects of this Province ten Pounds p Cent more than their Debts due upon Bills of Exchange under Pretence of Exchange of Money and that directly openly and avowedly in Contempt of this House useing reproachful Speeches against it telling the People to thank their Assembly Men for it in making the Act for ten p Cent and that they have writ for England to get the said Act and the Act for Relief of poor Debtors dissassented to by her Majesty protesting that let the Assembly make what Laws they please it shall not effect them they having Money and Interest enough at Home to procure a Dissassent to any Law that pleases them not All which is in Contempt of this House and the Authority thereof and tends much to the impoverishing the People of this Province and strikes at the altering the Constitution thereof. The Committee humbly desires the House to consider thereof and that the said Carroll and Garrett may answer their Contempt to this House Signed p Order
Jn^o Beale Clk. Com.

Which was read and debated and and it's Resolved That the Committee of Laws prepare a Bill to prevent the taking 10 p Cent or anything more than what is allowed by Law for the future. The Committee of Aggrievances further report.

That it is represented to this Committee as an Aggrievance That whereas the Lawyers practising the Law in the several Courts within this Province upon the Delivery of a protested Bill of Exchange (where there are several Indorsers) to them by their Clients to be put in Suit for the Recovery of the Debt for which the Bill is drawn together with the Damages of Protest; the Lawyers upon Receipt thereof for Lucre to themselves without perhaps any Profit to their Clients immediately issue out Writs as well against the Drawer as the several Indorsors and prosecute them to Judgment (if not agreed) by which Means the Charge against the said Drawer and Indorsor amounts to more than the Debt sued for which if there was but only one sued the Pltff might get his Debt as well as suing the whole so long as it is at the Plaintiff's Choice to take either the Drawer or any one of the Indorsors as is best able to pay the Debt demanded All which is humbly offered to the Consideration of the Honble House of Delegates to consider thereof Signed p Order Jn^o Beale Clk Com.

Which being read and debated in the House Resolved it is an Aggrievance and referred to the Consideration of the next Session of Assembly to remedy the same

The Committee of Laws delivers their Report relating to L. H. J.
Blasphemy and some Officers fees Viz. Lib. 41.

By the Committee of Laws Thursday 3^d Nov. 1709

In Obedience to the Orders of this House to the Committee appointing them to inspect the Law against Blasphemy and Payment of Criminal fees &^{ta} they are of Opinion that such Persons fall under and be subject to the Methods prescribed in the Act for Payment of fees due from Criminal Persons.

2 As to that Part of the said Order relating to fornication and Adultery (as to a lewd woman) they are of Opinion that after the Admonition given by the Minister Vestry or Church Warden's according to the Tenor of the said Law she Continuing to disobey such Admonition sufficiently describes such Woman to be a lewd Woman

3 And for the last Part of the said Order for the Allowances to Juries and Evidences this Committee are of opinion that it is necessary a Bill be brought in to ascertain the same

Signed p Order Dan^l Dulany Clk. Com.

Which said several Articles of the Committee's Opinion was p. 235
read in the House and fully debated.

As to the second Article it is thought by this House that the Law has sufficiently provided already. But as to the first and third Articles the House concurs with the Committee and will take Care to provide for the same. And Ordered the Committee (now) of Laws to prepare a Bill.

Now this House proceed to reading the following Bills brought in by the Committee of Laws Viz^t

Bill repealing Part of the Act relating to Attorneys &^{ta}

Read the first Time and order a second Reading

Bill for Naturalization of Daniel Packett &^{ta}

Read the first Time and Ordered a second Reading. Bill repealing an Act against Importation of Bread and Beer &^{ta}
Read the first Time and ordered a second Reading

Bill relating to Imprisonment of Runaway Servants &^{ta} Read and committed for Amendments.

The House adjourns till to Morrow Morning Nine O' Clock.

Saturday the 5th Day of November 1709.

The House met again according to Adjournm^t Being called over all were present as yesterday. Read what was done yesterday. Proceeds to reading the following Bills

Bill confirming Tracey's Land to M^r Heath &^{ta} Read the 2^d Time & do pass

- L. H. J.
Lib. 41. Bill for sale of Edmondson's Land for Payment of Debts &^{ta}
Read the third Time and do pass
Bill repealing the Act against Importation of Bread &^{ta}
Read the second Time and do pass
Bill for Naturalization of Daniel Packett. Read the second
Time and he having taken the several Oaths &^{ta} by especial
Order does pass
Bill for repealing Part of the Act relating to Attorneys &^{ta}
Read the second Time and does pass
Bill for Removal of John Edgerton a Prisoner in the Custody
of the Sheriff of Calvert County to the Sheriff of Saint Mary's
County Read in Council and read the second Time and does
pass.
Bill for Relief of Tobias and John Pollard &^{ta}
Read the third Time & does pass
Bill for confirming a Deed to Matthew Mason &^{ta}
Read the third Time & does pass
All the foregoing Bills were sent to the Honble Council p
M^r Thomas Bordley, Capt. John West, M^r Vanderheyden,
Capt. Jones, M^r Mariartee and M^r Worthington for their
Honours Concurrence. They return and say they delivered
the Bills
An Address brought into the House by Col^o Thomas Smith-
son relating to keeping the Great Seal &^{ta}
Read the first and second Time and the House concurs
therewith and sent to the Honble Council p M^r Worthington
and M^r Storey for their Honours Concurrence. They return
and say they delivered the same.
M^r Tyler M^r Storey and M^r Hemsley sent up to the Honble
Council with a Message relating to the late Conference of
the Aggrievances &^{ta}

By the House of Delegates Nov. 5, 1709

- Upon reading the same Report the House indorsed that
they concurred therewith and pray her Majesty's Honble to
redress the same Aggrievances complained of so far as it is
in their Power. They return and say they delivered the same
p. 236 The Petition of Madam Seymour read and referred to the
Consideration of a full House. Moved by a Member that in as
much as at the last Session the weather being so bad that
some of the Gentlemen Members belonging to the Eastern
Shore was a long Time, and run great Difficulties going Home
whether they ought not to have some further Allowance for
their Itinerant Charges. Resolved it be referred till Monday
Morning for Consideration

Ordered the Committee Accounts make Allowance till Wednesday Nov. 5th 1709 L. H. J.
Lib. 41.

Col^o Holland, Col^o Ennalls, Col^o Greenberry and Col^o Whittington October 28th 1709 brought into the House the following Message Viz^t

A Copy of a Paragraph of the Lords of the Council of Trade &^{ia} Lre of the 26th of Nov. 1707 to Gov. Seymour which came not to Hand till the 24th of June 1709

And as to the Assembly's Desire of a small Species of Copper Coin if they send over the Value hither we shall move her Majesty that such a Quantity of Copper Coin be sent in Lieu thereof, upon Condition that no Person be forced to take the same in Payment which ought to be voluntary

2 Copy of several Paragraphs in their Lordship's Lre to his late Excellency the Gov. dated the 12th of January 1708/9 we have considered the Law for Encouragement of Learning &^{ia} past in Sept. 1694 and find that the last Clause which is in the following Words Viz^t

And be it Enacted by the Authority aforesaid that no Person or Persons whatsoever having your most Sacred Majesty's Commission to execute any Office Judicial within this Province shall be obliged actually to inhabit within this Province and execute the same in his proper Person and not by any Deputy or Deputies is so penned that it cannot be easily understood and therefore think it necessary that the Intention of the Law be better explained in that particular, which may be by allowing the Patents in express Terms a Power to execute their respective Offices by their Deputy or Deputies As to the Act past in Carolina encouraging the Settlement of that Country whereof you complain her Majesty has been pleased upon our Representation to repeal the same

3 A Copy of her Majesty's Instruction for that Purpose is here inclosed

By the Council in Assembly October 29th 1709.
Gent.

According to your Request we communicate to you as above the several foregoing Paragraphs in the Right Honble the Lords of the Council of Trade and Plantations Letter to our late Governor Col^o Seymour, Being what may in any wise require your Observation

Signed p Order W Bladen Cl. Co.

The House adjourns till Monday Morning 9 O'Clock.

L. H. J.
Lib. 41.

Monday Morning 7th November 1709

The House again met according to Adjournment and being called in they all were present as on Saturday And M^r Solomon Wright enters the House and took his Place

Read what was done on Saturday

The Motion on Saturday relating to the Gentlemen of Eastern Shore's Salary &^{ca} being reassumed.

Put to the Question whether they be allowed for their extraordinary Itinerant Charges or not? Carried in the Affirmative. And Ordered That they bring in an Account of their particular Charge and lay before the House for further Consideration.

Moved by a Member whether it be not necessary that there be an Account given this House of the quarter Part of the 12^d p Hhd appropriated for Arms &^{ta}

Resolved it's absolutely necessary. Therefore Ordered M^r Bladen Clerk of the Honble Council be sent for. M^r Bladen accordingly appeared in the House and M^r Speaker required of him to render an Account to the House of the 3^d p Hhd who declared his Willingness thereto so far as he could and so withdrew. Soon after p Permission of the House M^r Bladen came in and delivered M^r Speaker M^r Plater and M^r Rousby's Accounts of the 3^d p Hhd and so withdrew

Then the aforegoing Accounts were given to the Gentlemen appointed to view the Arms &^{ta} who are required to inspect the said Accounts and report the same to the House by all convenient Speed.

The Petition of Madam Seymour for an Allowance for House Rent read and Ordered the Committee of Accounts allow the same

Moved by a Member whether it is not for the Benefit and Interest of the Country to take off the 6^d p Gallon Duty on Rum or no? Resolved Nemine contradicente That it is for the Benefit of the Country. And Ordered That a Bill be prepared that all Rum imported by Land or by Water as well in Vessels belonging to the Country as Foreigners pay 3^d p Gallon Duty and no more unless such Vessels as are owned by the Inhabitants of this Province and come directly from the West Indies.

And that the Act for 9^d p Gallon Duty on Rum be repealed

The Committee of Laws makes their Report to the House relating to Ordinary Licenses

Ordered to be read which follows Viz^t

To the second Article in which Sir Thomas Lawrence only arbitrarily avers that the Benefit of Ordinary Licenses were of the Lord Proprietary assigned to the Secretaries not as pretended by mere Favour to them as his Relations without any

Proof but by an Exchange for Naval Officers Fees; we do L. H. J.
with more Likelihood believe and are credibly informed that Lib. 41.
by Command from Cecilius Lord Baltimore to his Son the now
Lord Proprietary the fine for Ordinary Licenses was given to
his Kinsman William Calvert Esq. for his better Support with-
out mentioning of such Exchange. We find also that in the
1672, and how long before we know not the said present Lord
Baltimore kept the Benefit of those Licenses to himself and
doubtless kept them so all the Time of Secry Sewell, till Wil-
liam Calvert Esqr his Kinsman was made Secretary; which
shews 'twas done in Respect of Relations only, for suchordi-
nary Licenses have no Affinity to the Offices nor does he put
Pen to Paper for them

To the second Paragraph of the third where Sir Thomas
says it's strange and untrue that the House of Delegates
affirm that they do not find any Orders from the King and
Council that the Ordinary Licenses should be a Perquisite of p. 238
the Secretary's Office We find only an Order of Council in
General 2nd of March 1692/3 That Sir Thomas Lawrence
should enjoy the full Benefit of his Office of Secretary of
Maryland according to Patent &^{ia} and the Act for regulating
Ordinaries which gave the License to the Governor was set
aside, but nothing more concluding the said License to be his
Perquisite.

And whereas he says his late Majesty by disallowing the
said Act did manifestly declare he was of Opinion that it was
not in the Power of the Assembly to give the Profits of the
Licenses to whom they pleased that is but an Arbitrary As-
sertion We utterly deny his Conclusion and say that the
Assembly having never since the Revolution disposed of them
but by Temporary Laws for a Time did always claim a Power
that they should not be disposed of without Assent of the
Assembly.

To the fourth in which he says upon the said Order of March
1692/3 being brought into Maryland the latter End of the
Year 1693 the next Assembly in the same year under Governor
Nicholson by an Act pursuant to the said Order did settle
those Licenses upon the Secretary for the Time being from
three Years to three Years &^{ia}

True it is the Assembly 1694 in the Time of Gov. Nich-
olson did give the Profit of said Licenses to Sir Thomas which
is the first Law that ever gave such Fines to the Secretary
which said Act was Temporary and expired in three years and
altho' the Assembly did afterwards by other Acts continue the
same longer to the Secretary yet it was always by Temporary
Laws thereby reserving to themselves the Power of disposing
of it as to them should seem meet

L. H. J. Which being read in the House concurred therewith. Like-
 Lib, 41, wise an Address relating thereto was brought into the House
 Which being read and approved of by the House was ordered
 to be ingrossed.

And the Address relating to the Gauge of Tobacco Hhds.

Read in the House and ordered to be ingrossed

The Petition of Samuel Smith and others praying a further
 Allowance for their Service upon the Guard at Annapolis,
 Read and rejected

The Bill relating to Runaway Servants &^{ca}

Read the first Time and ordered a second Reading

The Gent. Justices of Kent County pursuant to an Order of
 this House to the Sheriff of Kent County directed were brought
 to the Bar of this House and then was read the Complaint of
 Dominick Kingslaugh against Col^o Blay and the rest of the
 Justices of Kent County the Compl^t of the Justices and Evi-
 dences being heard at the Bar of this House were ordered to
 withdraw; then the House proceeded to debate the same
 p. 239 which being debated Resolved That the said Justices are
 enjoined immediately to allow the Person complaining the
 Benefit of the Act for Relief of Poor Debtors &^{ta} and that the
 said Col^o Edward Blay for his opprobrious Language be cen-
 sured by this House that he acknowledge his Fault at the Bar
 of this House and beg Pardon for his Offence and likewise
 pay to the Sheriff for bringing over the Prisoner and Evidences
 and carrying them back 500^{lb} Tob^o and to 5 Evidences 360^{lb}
 Tob^o apiece 1800^{lb} Tob^o

To the Clerk of this House £ 1.. 0.. 0 To Rich^d Young
 Serjeant Attend^t 10/.

To Moses Adney Doorkeeper 5/. The said Col^o Blay then
 to be discharged from his further Attendance.

And resolved the other Justices be acquitted

And thereupon the said Col^o Blay being called in he
 appeared and M^r Speaker was pleased to acquaint him with
 the Resolve of the House he then at the Bar acknowledged
 his Offence and begged Pardon for his Offence and so withdrew

The Honble Col^o Thomas Ennalls and Col^o Greenberry enter
 the House and delivers M^r Speaker the following Bills Viz^t

Bill reviving Act for Limitation of Officers Fees. Indorsed
 Read the second Time and the House's Amendment agreed to.

W Bladen Cl. Co.

Read the fourth Time in the House and past for ingrossing
 Bill to make valid a Lease to Matthew Mason Indorsed
 5th Nov. 1709 Read in Council and past

W Bladen Cl. Co.

Read in the House the third Time and past for ingrossing L. H. J.
Bill for Naturalization of Daniel Packett &^{ia} Indorsed 5th Lib. 4th.
Nov. Read in Council and past

W Bladen Cl. Council

Read the third Time in the House and past for ingrossing
Bill confirming Tracey's Release to M^r Heath Indorsed 5th
Nov^r 1709 Read in Council and past

W Bladen Cl. Co.

Nov. 7th 1709 Read third Time and past for ingrossing
Bill repealing Part of the Act relating to Attorneys &^{ia} 5th
Nov. 1709 Read in Council and past

W Bladen Cl. Co.

Nov^r 7th Read again in the House and past for ingrossing
Bill for Relief of Tobias and John Pollard Indorsed Read in
Council first and second Time and past for ingrossing
W Bladen Cl. Council

Read again in the House and past for ingrossing Bill for
Removal of John Edgerton from Calvert to Saint Mary's County
Prison Read in Council & Past

W Bladen Cl. Council

Read again in the House and past for ingrossing.
And Bill for Sale of Edmonson's Lands Indorsed By the
Council in Assembly Nov^r 5th 1709

Upon reading the within Bill this Board do recommend
that due Regard and Consideration be had of James Edmon-
son's Estate the said John Edmonson's Heir at Law against
which several Judgments for considerable Sums have been
recovered and his Children still under Age

W Bladen Cl. Co.

Read in the House of Delegates again with this Indorsment p. 240
and ordered it be read again to Morrow that the Judgments
above mentioned be laid before this House

M^r John Hall and Col^o Whittington from the Honble Council
enter the House and delivers the Address relating to the
Great Seal. Read and this House concurs therewith.

Repealing Bill against the Importation of Bread and Beer
&^{ia} Read with the Indorsment of the Council and it's put to
the Question whether the said Bill be again sent up to the
Council or not? Carried in the Affirmative; and Ordered it

L. H. J. be sent up again with a Message. Thereupon sent up by M^r
 Lib. 41. Vanderheyden M^r Ward and M^r Larremore. They return and
 say they delivered the same.

The House adjourned till to Morrow Morning Nine O'Clock

Tuesday 8th November 1709

The House met again according to Adjournment

Being called over were all present as yesterday.

Read what was done yesterday

The Petition of Richard Young relating to Allowance for
 looking after the Stadt House Doors and Windows &^{ta} Read
 and Ordered That he look after the same and that he be
 allowed forty Shillings for the next Year

The Lord Baltimore's Objections about the Act relating to
 Surveyors &^{ta} referred till next Session of Assembly. And
 Ordered a Message be sent up to acquaint the Council thereof.
 Which being prepared is as follows Viz.

By the House of Delegates November 8th 1709.

In Answer to the Message by Col^o Coursey and Col^o Whit-
 tington of the second Instant relating to laying before the
 Lords Commissioners of Trade and Plantations our Reasons
 for passing the Act requiring the Lord Baltimore's Agents to
 certify into the Secretary's Office the Instructions and Condi-
 tions of Plantation with the Fees by them demanded and
 obliging his Lordship's Surveyors to qualify themselves accord-
 ing to Law. This House considering there are no Ships in
 the Country going for Europe have resolved to refer the same
 to next Session of Assembly.

Signed p Order W. Taylard Cl. Ho. Del.

The foregoing Message being read and approved of
 Ordered That M^r Henry Peregrine Jowles and M^r Philip Lee
 carry the same up to the Council.

They return and say they delivered the same

The Report about the Land Records read and referred

Ordered the Treasurer of the Western Shore send for ten
 good Books in large Folio 6 Quire in each Book bound with
 Calf Skins Brass cornered bossed and clasped one hundred
 Skins of Parchment 20 Ream of good copying Paper 2 Ream
 of best Dutch Royal Paper at the Country's Risque and to be
 paid for by the Publick and that the Report about the Records
 be referred to next Session of Assembly.

p. 241 Following Bills brought into the House.

Ordered to be read Viz.

Bill relating to Runaways. Read the second Time and past

L. H. J.
Lib. 41.

Bill empowering Thomas Edmonson to sell Lands &^{ca}
Indorsed Viz^t

This House having made Enquiry into the Judgments against the said James Edmonson as Son and Heir of his Father find but one at the Suit of one Hall which is suggested to be paid and therefore past and prays the Council's Assent

Signed p Order W Taylard Cl. Ho. Del.

Upon a former Proposal relating to the Eastern Shore's Itinerant Charges &^{ca}

It's put to the Question whether they have any further Allowance or not?

Carried in the Negative

From the Honble Council Col^o Coursey and Col^o Ennalls enter the House and delivers the Bill for Repeal of the Act against Importation of Bread &^{ca} Indorsed in Council Viz.

By the Council in Assembly Nov. 8th 1709

We are not willing to repeal any Acts of Assembly already transmitted to her Majesty and the Lords of Trade, but since the House of Delegates are of Opinion there is Likelihood of the Country's suffering this year we are willing to suspend that Part of the Act relating to Bread and Flour and Indian Corn during seven Months in which Time it's hoped a sufficient Supply may be imported

Signed p Order W Bladen Cl. Co.

Which being read and debated in the House it's put to the Question whether the Act be suspended for seven Months or to the End of the next Session of Assembly Carried by the Majority of Voices that it be suspended till the End of the next Session of Assembly And Ordered a Message be prepared and sent up to the Con^l for that Purpose.

By the House of Delegates 8th Nov. 1709

This House cannot concur with the Honble Councils Message in suspending the Act for seven Months for that it will not answer the End it is designed for which is the supplying the Country with Bread Flour and Indian Corn but are very willing to consent to the suspending that Part of the Act to the End of the next Session of Assembly and pray the Honble Council's Assent thereto

Signed p Order W. Taylard Cl. Ho. Del.

L. H. J. Which said Message and Bill with the following Bills was
Lib. 4^r. sent up to the Honble Council by M^r Dare, M^r Storey, M^r
Whittington Viz.

Bill relating to Runaways &^a

Bill empowering Edmonson to sell Land

They return and say they delivered the same

The Honble Col^o Holland, Col^o Ennalls, Col^o Coursey and
Col^o Greenberry enter the House and delivers M^r Speaker the
following Message Viz.

By the Council in Assembly Nov. 8th 1709

p. 242 Gent. We recommend to you to make a small Supple-
mentary Act to the Act for regulating the Militia to inforce
the Fines on Defaulters by the Field Officers as well upon the
Body as the Goods and that it may be such Fine as you shall
think fit, in which Law you must also revive the Act for regu-
lating the Militia with an Exception to that Part relating to
Fines. Signed p Order W Bladen Cl. Co.

Nov. 8th 1709 Read and concurred with and recommended
to the Committee of Laws to prepare a Bill accordingly

The Honble John Hall Esq. and Col^o Whittington brought
with them a Message relating to the Aggrievances which was
read and ordered to be entered Viz^t

By the Council in Assembly Nov^r 7th 1709

Gent. We shall take Care to redress and endeavour to
prevent the Aggrievances now represented as much as in us lies

Signed p Order W Bladen Cl. Co.

Bill confirming Land to Col^o Holland and others Read the
first and Second Times and does pass.

Bill reviving and continuing Process in S^t Mary's, Dorchester
and Baltimore Counties Read the first and second Times and
do pass

Bill restraining the ill Practices of Sheriffs &c^a

Read the first and second Times and by especial Order will
pass.

The Representation of M^r John Tasker and M^r Richard
Dallam relating to poor Debtors, referred.

Read again and referred to next Session.

Proposed by a Member what may be thought a reasonable
Allowance to M^r Secry Lloyd for recording the several Acts
made the last Session. Put to the Question whether he shall

be allowed for the same 1500, or 1000^{lb} Tob^o? Carried by L. H. J. Majority of Votes that there be an Allowance of 1500^{lb} Tob^o Lib. 41.
And recommended to the Committee of Accounts for an Allowance.

The Petition of Edward Benson praying an Allowance for copying the Laws of last Session was read in the House and rejected

Bill for Relief of poor Debtors &^{ta} Read the first and second Times and does pass Col^o Greenberry and Col^o Whittington enter the House and delivers the following Bills.

Indorsed in Council Nov^r 8th 1709 Read in the Council the second Time and agreed to pass W Bladen Cl. Co.

Read again in the House and past for ingrossing

Moved by a Member whether the former Vote for bringing Tobacco to Towns &^{ta} be reassumed or not? Thereupon put to the Question whether Tobacco be brought to Towns or not? Carried in the Negative.

Bill for additional Towns &^{ta} Read the first Time and ordered a second Reading

Bill for suspending the Execution of the Act for Relief of poor Debtors

Bill reviving the Process &^{ta} in several Counties

Bill confirming Lands to Col^o Holland and others

p. 243

Bill restraining the ill Practice of Sheriffs

Which said four Bills were sent up to the Council by Capt Jones and M^r Bordley

They return and say they delivered the Bills

Col^o Coursey, Col^o Ennalls, Col^o Greenberry and John Hall Esq. enter the House and deliver M^r Speaker the following Message

By the Council in Assembly Nov. 8th 1709

Her Most Sacred Majesty having already signified her Approbation of the Itinerant Justices we cannot alter that Course of Justices without her particular Direction therefor

Signed p Order W Bladen Cl. Co.

Committee of Laws brings in the following Bills

Bill about Imposition of Liquors

Bill ascertaining Allowance to Juries and Evidences

Bill enforcing the Observation of the Act relating to Bills Exch^a

Col^o Greenberry and John Hall Esq. enter the House and delivers the following Bills Indorsed Viz.

Bill for suspending the Execution of the Act for Relief of poor Debtors.

L. H. J. Indorsed in Council Eodem Die Read in Council first and
Lib. 41. second Times & past W Bladen Cl. Co.

Bill restraining the ill Practice of Sheriffs &^{ta} Indorsed

By the Council in Assembly Nov 8th 1709
Read the first and second Time and past
W Bladen Cl. Co.

Bill reviving and continuing Process in S^t Mary's, Dorchester
& Baltimore Counties Indorsed Eodem Die Read in Council
the first and second Times and past.
W Bladen Cl. Co.

All which Bills with the Indorsment thereon were read in
the House and Ordered they be ingrossed

Proposed that the publick Levy may be paid this Year in
Money at 10 p Cent in Lieu of Tobacco and Resolved accord-
ingly and that a Message be sent up to the Honble Council
for Concurrence. Which follows Viz^t

By the House of Delegates Nov 8th 1709

It being proposed to this House that there is a considerable
Stock of Money in the Treasurers Hands, that the publick
Charge of this Province might be paid this present Year in
Money after the Rate of 10/ p Cent for the Tobacco, thereby
to ease the Inhabitants of any publick Levy in Tobacco which
the House readily agreed to and pray the Honble Council's
Concurrence therewith

Signed p Order W. Taylard Cl. Ho. Del.

p. 244 Sent up to the Council by M^r Hugh Eccleston and M^r Walter
Cambell.

They return and say they delivered the same.

Soon after Col^o Greenberry enters the House and delivers
the foregoing Message with this Indorsment Eodem Die. By
the Council in Assembly.

This Board concur with the House that the Levy be paid in
Money. Signed p Order W Bladen Cl. Co.

Bill allowing Impost of Bread Biscuit & Indian Corn &^{ta}
Read the first Time and ordered a second Reading
Bill imposing the Impost of 3^d p Gallon &^{ta}
Read & committed for Amendm^t

Bill ascertaining the Allowance to Jurors and Evidences L. H. J.
Read the first Time and committed for Amendments Lib. 4^r.

Bill reviving the Act relating to the Militia Read the first
Time & ordered a second Reading

Bill for erecting Towns &^{ta} Read the second Time and past
Col^o Ennalls enters the House and delivers M^r Speaker the
following Bills Viz.

Bill relating to Runaways Imprisonment &^{ta} Indorsed. By
the Council in Assembly Nov. 8th 1709 Read the within Bill
in Council the first and second Times and will pass with the
Amendment W Bladen Cl. Council

Which being read with the Amendment and is past for
ingrossing

The House adjourns till to Morrow Morning 9 O' Clock.

Wednesday 9th Nov. 1709

The House met again according to Adjournment.

Being called over were all present as Yesterday.

Read what was done Yesterday.

The Committee appointed to view the Stadt House. enter
the House and delivers the Report following Viz. By the
Committee appointed to view the Stadt House. The said
Committee having viewed and inspected into the Work of
Stadt-House report as follows Viz.

That M^r William Bladen's Agreement being to build and
furnish the said House as well as it was at first they cannot
remember what Sort of Work and Furniture was about it; but
now find that the Window Frames & Doors and Door Cases
are very slight, and not done Workman like and are not hung
with sufficient Hinges and that the House is not so well
Shingled as it ought to be.

p Order Signed Edward Benson Cl. Com.

Upon which the Petition of M^r William Bladen was ordered
to be read he praying Allowance of 200^{lb} &^{ta} was likewise
read, and M^r Bladen being called into the House to speak to
his Petition He enters the House and his Petition and Report
was again read And the said M^r Bladen being heard what he
had to say, and then he withdrew. Then the House having
fully debated the same Resolved the said M^r Bladen be allowed
his Money and that he be obliged to make good the Shingling
and making the Roof of the said House tight & good Upon
which M^r Bladen was again called in he appeared and M^r
Speaker was pleased to acquaint him with the Resolve of the
House.

L. H. J. And the said M^r Bladen did readily undertake to do the
 Lib. 41. same and then withdrew
 p. 245

The Gentlemen appointed to inspect the publick Arms and Ammunition &th enters the House and delivers their Report in writing which was ordered to be read and here entered as follows Viz.

By the Committee appointed to inspect and examine into the Account of the publick Arms and Ammunition belonging to the Province make Report as follows Viz. That they find that Capt John Young publick Armourer received into his Possession the 21 Day of January 1706/7 one hundred forty five and half Barrels of Gunpowder two hundred forty four Musquets, two hundred thirty six Carbines, Eighteen Drums, one hundred Belts, two hundred Cartouch Boxes, Eighty two Pistols, three Cask of Match, sixteen Swords without Scabbards, twenty eight Swords, with Scabbards, Eighty Cutlasses, five Barrels and a half of Bullets, forty two Barrels of Shot, three Cask of Lead, 13 Papers Flints, Eighty two Halberts, two Papers of Worms and 52 Bayonets. And that they find now in the Hands of the said Armourer 50 Carabines Swivels, 138 Musquets, 123 Carabines, with Belts, 56 Carabines without Belts, 3 Drums, seven Spear Heads, 16 Swords without Scabbards, 26 Swords with Scabbards, 16 Cutlasses, 84 Cartouch Boxes, 84 Barrels and three Quarters of Powder, 82 Pistols, 3 Cask of Match, 4 Barrels of Lead, 33 Barrels of Shot, 37 Barrels of Bullets, 30th ditto, 12 Papers of Flints, 48 Halberts 2 Papers of Worms, 90 Belts, 53 Bayonets, And that they find there has been delivered to the several Counties since his receiving the said Arms by Order of his late Excellency and Col^o Robert Finely as p Receipt appears as follows Viz. To Somerset County 18 Musquets, 8 Carabines, 2 Drums, 8 Cartouch Boxes, 8 Cutlasses, with Belts, 2 Barrels of Powder, one Barrel of small Shot, 2 Barrels of Bullets, one Paper of Flints and Worms, ten Halberts and one Trumpet To Saint Mary's County 24 Musquets, 2 Drums, 10 Cutlasses with Belts, 5 Barrels of Powder, one Barrel of small Shot, one Barrel of Bullets, 2 Spare Drumheads To Prince George's County 18 Musquets, 8 Carabines with Belts, 2 Barrels of Powder, one Barrel of small Shot, 2 Barrels of Bullets, one Paper of Flints and Worms ten Halberts, one Trumpet, To Calvert County 18 Musquets, 8 Carabines, one Drum, 8 Cartouch Boxes, 8 Cutlasses, two Barrels of Powder, one Barrel of small Shot, 2 Barrel of Bullets, one Paper of Flints and Worms, ten Halberts, one Trumpet. To Baltimore County, 18 Musquets, 8 Carabines, 2 Drums, 8 Cartouch Boxes, 8 Cutlasses, 2 Barrels of Powder, one Barrel of small Shot, 2 Barrels of Bullets, one Paper of Flints and Worms, ten

Halberts, one Trumpet, two spare Drum Heads. To Queen Ann's County 18 Musquets, 8 Carrabines, 2 Drums 8 Cartouch Boxes, 8 Cutlasses, two Barrels of Powder, one Barrel of small Shot, 2 Barrels of Bullets, 1 Paper of Flints, and Worms ten Halberts, one Trumpet. To Talbot County, 18 Musquets, 8 Carabines, 2 Drums, 8 Cartouch Boxes, 2 Barrels of Powder, one Barrel Small Shot, 2 Barrels of Bullets, one Paper of Flints and Worms, ten Halberts, one Trumpet, 8 Cutlasses. L. H. J.
Lib. 41.
P. 246

To Dorchester County 18 Musquets, 8 Carabines, 2 Drums, 8 Cartouch Boxes, 8 Cutlasses 2 Barrels Powder, one Barrel of small Shot, 2 Barrels of Bullets, one Paper of Flints and Worms, ten Halberts, one Trumpet. And likewise that they find in the Hands of Captain Charles Kilbourn delivered by his Excellency's Order for the Use of the Company belonging to the City of Annapolis 40 Musquets, one Drum, 40 Cartouch Boxes, one Barrel of Powder, one Barrel Small Shot, 3 Halberts, 6 Bayonets.

All which said Arms appear to be lodged and delivered by Accounts thereof

And they also report That the Arms in Possession of Capt Charles Kilbourn are very rusty and much out of Order and that he refuses to clean them, altho' by his Receipt, under Hand and Seal, he is obliged so to do as by the said Receipt it may appear And further they find that several other Parcels of Arms and Ammunition has been imported into this Province as by an Article in an Account of M^r George Plater's deceased, late Receiver of Patuxent District.

It appears to the Value of £ 547-3-6 paid to M^r Micajah Perry Merchant in London by Order of the Council for which said Parcels of Arms we find no Receipts nor how the said Arms have been disposed of we can give no direct Account but suppose them to be Part of the Arms and Ammunition now found by the said Committee in the Hands of Capt. John Young. And as to the 3^d p Hhd for Arms we have not the Accounts from her Majesty's Receiver General cannot report how the same has been disposed of but humbly move an Order may issue from this House to cause M^r John Rousby her Majesty's present Receiver to appear at the next Session of Assembly to bring in all such Books and Papers relating to the 3^d p Hhd. as belonged to M^r George Plater deceased late Receiver and to render an Account how the same has been disposed of since he has been Receiver that then it may appear how the said Money has been appropriated And further do report that there come to our Hands an Account of M^r John Rousby's commencing from the third Day of April 1707 to the third Day of April 1709 being for the 3^d p Hhd for Arms. That in that Time there has been reported out of this Province

L. H. J. 28,482 Hhds of Tobacco at 3^d p Hhd is £ 356.. 0.. 6 And that
 Lib. 41. by the said Account we find that he has deducted out of the
 said Money, his Salary at the Rate of one hundred Pounds p
 Annum which amounts to £ 140. Which said Article we
 humbly conceive unjustly stated and ought to be deducted out
 of the Fines and other her Majesty's Dues and not wholly out
 of the 3^d p Hhd. p Order Edward Benson Cl. Com.

Which being read the House concurred therewith
 p. 247 And Ordered That M^r John Rousby lay his Accounts and
 M^r Plater's Accounts and all other the Receiver Generals are
 enjoined to lay before this House their Accounts &^{ta} the next
 Session of Assembly and that the Colonels or Commanders in
 Chief of each respective County make Report to this House
 what publick Arms and Ammunition there is in each County
 and the foregoing Report and the Consideration thereof is
 referred till next Session. Bill allowing the Importation of
 Bread &^{ta} Read the second Time and does pass

Bill ascertaining Allowance to Jurors and Evidences &^{ta}
 Read a second Time with Amendment and will pass

Bill enforcing the Act ascertaining Damages on Protests
 Read the second Time & referred

Proposed by a Member that Damages of 15 p Cent be ad-
 vanced on Protested Bills Put to the Question whether Dam-
 ages be advanced or not? Carried by Majority of Votes that
 it be advanced to 15 p Cent. And Ordered a Bill be prepared
 accordingly Bill reviving the Act of the Militia Read the second
 Time & committed for Amendm^t

Resolved M^r Wornell Hunt be joined to the Committee of
 Laws

The following Bills sent up to the Honble Council by M^r
 Daniel Mariartee and M^r Thomas Bordley Viz.

Bill for erecting Towns.

Bill for Allowance of Importation of Bread &^{ta}

Bill ascertaining Allowance to Jurors and Evidences

They return and say they delivered the same.

Proposed that in Consideration the Damages on Protested
 Bills of Exchange may be paid off in the enumerated Com-
 modities mentioned in the Act for Relief of Debtors and En-
 couragement of Tillage and Current Money of the Province
 or in Tobacco at the Price Current and that the Justices in the
 County Courts Yearly in November Court ascertain the Price
 Current of Tobacco in their Counties

Which Proposal is referred to be debated in the Morning.

Col^o Coursey and Col^o Hall enters the House and bring in
 the following Message Viz.

By the Council in Assembly November 9th 1709
Gent.

L. H. J.
Lib. 41.

If the Journal of the Committee of Accounts be perfected as to the Allowances made this Session we expect it should be laid before this Board for our Perusal and Approbation as usual

The following Message prepared was read

By the House of Delegates Nov^r 9th 1709

Your Honours having concurred with this House for Payment of the Charge of this Province in Money, this House humbly move your Honours to order the Treasurers to bring in what Money and Bills of Exch^a they have in Hand to pay it in Proportion to the Members of your Board and this House and the Officers according to the Journal of the Committee of Accounts. Signed p Order W. Taylard Cl. Ho. Del.

Which being read and approved of was sent up to their Honours by Capt John West and M^r Greenfield. They return and say they delivered the same.

Col^o Greenberry enters the House and delivers M^r Speaker the following Bills

Bill allowing the Importation of Bread &^{ca} Indorsed Eodem Die Read in Council first and second Times with the Amendments and does pass W Bladen Cl. Co.

Read in the House and past

Bill ascertaining Allowance to Jurors and Evidences, indorsed Eodem Die Read in Con^l and referred to the Consideration of next Session W Bladen Cl. Co.

Bill for erecting Towns &c^a Indorsed

By the Council in Assembly Nov. 9th 1709

Read in Council the first Time and on due Reflection of her Majesty's Royal Instructions restraining us from passing any Laws already communicated to the House cannot pass this Bill but desire it may be referred to Consideration of the next Session Signed p Order W Bladen Cl. Co.

Read and concurred. The Address relating to the Great Seal being read in the House was carryed up to the Honble Council by M^r Hunt and M^r Lee desiring their Honours to sign the same. Return and say they delivered it

L. H. J.
Lib. 41.

And the Address relating to Ordinary Licenses Read and approved of and Ord^d it be signed by the whole House

Bill reviving the Act for the Militia &^{ta} Read again with Amendments & does pass

Col^o Whittington and Col^o Greenberry enters the House and delivers M^r Speaker the following Message

By the Council in Assembly Nov^r 9th 1709

Gent. Believing your House to have many Things before you of Consequence and little Time to spare this Session drawing towards an End, and we being obliged to give our Reasons to the Right Honble the Lords of Trade and Plant^a for passing the Law requiring the Lord Baltimore's Agents to &^{ca} and have assigned our Reasons and have communicate them to you for your Approbation and if you think necessary to add any further to them

Signed p Order W. Bladen Cl. Co.

Reasons for passing the Act requiring the Lord Baltimore's Agents to certify into the Secretary's Office the Instructions and Conditions of Plantation with the Fees by them demanded to qualify themselves according to Law.

1 That for Want of a due Knowledge of the several Alterations of the Conditions of Plantations made by the Lord Proprietary from Time to Time his Lordship's Agents having forborn for many Years to publish and record the said Conditions which formerly were wont to be no Man is certain upon
p. 249. what Terms he holds any new Grants from him.

2 And for want of Due Notice of the Fees taken by his Agents and under Officers we are liable to pay any Fees by them demanded at their Pleasure as has been manifestly shewn to the Assembly at the Time of passing the Law to the great Aggrievance of her Majesty's Subjects here and obstructing many Settlements of the Soil in Prejudice of her Majesty's Revenue

3 Many Abuses being complained of to the Assembly done by the several Deputy Surveyors under the Lord Baltimore they thought it expedient to prevent the same for the future that no one should act in that Station that would not qualifie themselves as by the Law directed, the said Deputy Surveyors being Officers acting between the Lord Propy and her Majesty's Subjects who ought to administer Right between his Ldp and the People from whom they receive their Wages or Fees in measuring the Land they purchase from his Ldp the Soil of this Province being not only granted to his Ldp's

Ancestors but with Intent of settling an English Colony which we hope her most Sacred Majesty will always protect & therefore we think it highly reasonable those Officers should be obliged by Oath to act impartially having an equal Regard to her Majesty's Subjects as well as his Lordship's Interest.

W Bladen Cl. Co.

Which being read the House readily concurred therewith and ordered the following Message be sent up to the Council

By the House of Delegates 9th Novem. 1709

This House return your Honour Thanks to your Care to answer the Lord Baltimore's Objections against the Act requiring his Agents to publish the Conditions of Plantations &th and readily concur and join with you therein

Signed p Order W. Taylard Cl. Ho. Del.

William Cood late Sheriff of Saint Mary's County having due Notice to appear here this Session to answer for his Misbehaviour and undue Election of Members to serve for the said County in the last Session and not appearing accordingly altho' Richard Llewellyn in Obedience to the same Order gave his Attendance to maintain the Complaint on Behalf of the said County Therefore it's Resolved and Ordered That the present Sheriff of the said County take him into his Custody and cause him to appear at the Bar of this House the next Session as well to answer the Comp^t aforesaid as for his Contempt in not giving due Obedience to the former Order of the House whereof the Sheriff is not to fail as he will answer the contrary

The House adjourns till to Morrow Morning 9 o'clock

Thursday November 10th 1709

The House met again according to Adjournment

Called over All present as yesterday. Read what was done yesterday.

Bill ascertaining Damages on Protested Bills of Exch^a Read the first Time and the Proposal relating thereto referred from yesterday debated and put to the Question whether Tobacco be made Sterling to pay off Protested Bills of Exchange or not?

Carried in the Affirmative

Resolved the Bill be committed for Amendment and that a Clause be added for that Purpose

L. H. J. Mr John Brice a Member for Ann Arundel County enters the
Lib. 41. House and Ordered Mr Storey and Mr Lee attend the Honble
Council to see him qualified They return and say they saw
him sworn

Ordered the Committee Elections go out to enquire into the
Election of him

Bill impostng 3^d p Gallon on all Rum Wine and Brandy &^{ta}
Read the first Time and committed for Amendment

Col^o Coursey and Col^o Ennalls enter the House and deliver
Mr Speaker the following Message

By the Council in Assembly Nov. 10th 1709

This Board desire your Consideration of the within Account
of the Prov^l Court Justices Services on the Circuits and that
they may meet with reasonable Encouragement for the Fatigue
they have undergone.

Signed p Order W Bladen Cl. Co.

Which being read in the House their Accounts it's Ordered
it lye on the Table for the Members Perusal

Bill for building a Court House in Baltimore County
brought into the House

Read the first and second Time and rejected for that the
Supplementary Act for Towns have sufficient provided already
to treat with Workmen and build the same

Col^o Greenberry enters the House and delivers the following
Bill. Bill for Impost of 3^d p Gallon &c^a Indorsed Viz^s

By the Council in Assembly November 10th 1709

Resolved That it is not fit this Board should pass this Bill
not thinking themselves sufficiently impowered so to do or any
immediate Necessity appearing therefor Read and laid aside

Signed p Order W Bladen Cl. Co.

The Journal of the Committee of Accounts Read and
assented to by the Ho. of Del.

Sent up to the Honble Council p Mr Philips and Mr Salter.
They return & say they delivered the same.

Put to the Question whether the former Vote for a further
Allowance to the Eastern Shore Gent. be reassumed or not?
Carried in the Affirmative

And then put to the Question whether they be allowed or
not? Carried in the Negative

The Committee of Election and Privileges having enquired into the Election of M^r John Brice for Ann Arundel County

L. H. J.
Lib. 41.

M^r Brice ordered to withdraw, and the Committee reports as follow

By the Committee of Election and Privileges, Nov^r 10th 1709

Upon due Inspection made in the Indenture returned for M^r John Brice a Delegate for Ann Arundel County we find the said John Brice not duly elected by Reason the Sheriff of Ann Arundel County denied the Persons electing for Maj^r Hammond a Poll when legally demanded. All which is humbly referred to the Consideration of the Honble House of Delegates.

Signed p Order Jn^o Beale Clk.

Which being read the House concurred therewith.

Thereupon Ordered That the Sheriff of Ann Arundel County appear next Session to answer for his Default

Resolved Warrant issue to M^r Secretary to send a new Writ for Election of a Member to serve for the said County in the Room of the said John Brice returnable next Session of Assembly.

Ordered the several Addresses be annexed to this Journal at the latter End

Resolved That if the Sheriff of Kent County has not proceeded for the Election of three Members, to serve in this Assembly upon the Writ to him directed for want of Justices and Clerk to hold a Court they being attending on this House by Virtue of an Order of the 7th Instant which was about the Time appointed for the said Election, that then he give due Notice to the Inhabitants of the County and proceed to Election of three Members by Virtue of the same Writs and make Return thereof next Session of Assembly. A Copy whereof was made and signed by the Clerk of the House and delivered to M^r Daniel Pearce who is desired to give the same to the Sheriff

Ordered the following Message be sent to the Council Viz^t

By the House of Delegates November 10th 1709

Before the Accounts of the Itinerant Justices was laid before this House for Allowance the Journal of the Committee of Accounts was compleated, and this House have Resolved to refer the Consideration of the Allowance of the said Accounts 'till the next Session of Assembly

Sent up to the Council by M^r Robins. He returns and says he delivered the same

L. II. J. The following Message ordered to be indorsed on the Back
Lib. 4^r. of the Bills for Towns

By the House of Delegates November 10th 1709

This House conceive there is an absolute Necessity for this Bill to pass for the Reasons following.

1 There is no Town laid out in Cecil County nor on Chesapeake Bay in Calvert County whereby the Inhabitants are debarred of all Manner of Trade

2. Most of the Counties wants Prisons

3. Talbot, Baltimore and other Counties want Court Houses

4. Calvert County Court House stands not in a Town and therefore this House prays the Honble Council's Concurrence to this Bill. Signed p Order W Taylard Cl. Ho. Del.

Sent up to the Honble Council by M^r Eccleston and M^r Storey

They return and say they delivered the same.

p. 252 John Hall Esq^r and Col^o Whittington enters the House and delivers M^r Speaker the several Addresses, signed by their Honours and ordered to be signed by the House of Delegates.

Ordered That M^r Mariartee acquaint M^r Brice the Resolve of the House relating to his undue Election.

He returns and says he acquainted him therewith

Bill for Impost of 3^d p Gallon on Rum. Read the second Time with Amendments and does pass. Sent up to the Honble Council by Capt John West and M^r Storey for their Honours Concurrence. They return and say they delivered the same Col^o Greenfield and Col^o Ennalls enter the House and deliver M^r Speaker the Bill for Towns Indorsed.

By the Council in Assembly November 9th 1709

Read in Council the first Time, and on due Reflection of her Majesty's Royal Instructions restraining us from passing Laws already communicated to the House, we cannot pass this Bill but desire it may be referred to the Consideration of the next Session Signed p Order W Bladen Cl. Co.

The several ingrossed Bills brought into the House by the Committee of Laws as followeth Viz.

Bill repealing a certain Clause in an Act ascertaining Fees to Attorneys &^{ta} Indorsed by Order Nov^r 10th 1709 Read and assented to by the House of Delegates

Signed p Order W Taylard Cl. Ho. Del.

Bill for Relief of Tobias and John Pollard &^{ia} Read and indorsed Nov. 10th 1709 L. H. J
Lib. 41.

Read and assented to by the House of Delegates

Bill for Naturalization of Daniel Packett Indorsed. Read and assented to by the House of Delegates

Bill restraining the ill Practice of Sheriffs &^{ia} Read and assented to by the House of Delegates

Bill confirming the Title of Lands to William Holland Esq. and others Read and assented to by the House of Delegates

Bill suspending the Execution of the Act for Relief of poor Debtors Read and assented to by the House of Delegates

Bill reviving and continuing the Process &^{ia} in Saint Mary's and Dorch^r Counties

Read and assented to by the House of Delegates

Bill confirming a Release made to James Heath

Read and assented to by the House of Delegates.

Bill reviving the Act for Officers Fees. Read and assented to by the House of Delegates

All the foregoing Bills were sent up to the Honble Council by Col^o Smith, M^r Worthington M^r Tyler and M^r Jones for their Honours Assent

They return and say they delivered the said Bills

Other Bills brought into the House ingrossed and ordered they be read.

Bill confirming a Deed to Matthew Mason.

Read and assented to by the House of Delegates.

Bill relating to Runaways Imprisonment &^{ia} Read and assented to by the House of Delegates P. 253

Bill for Removal of John Edgerton from the Sheriff of Calvert County to the Sheriff of Saint Mary's County. Read and assented to by the House of Delegates

Bill empowering Thomas Edmonson to sell Lands of his Father &^{ia} Read and assented to by the House of Delegates

Bill to allow the Importation of Bread Flour and Indian Corn Read and assented to by the House of Delegates. And were all sent up to the Honble Council by M^r John Salter, M^r Vanderheyden, M^r Crabb and M^r Storey for their Honours Assent. They return and say they delivered the Bills

Bill for reviving the Act for the Militia. Read third Time and will pass. Sent up to the Honble Council by M^r Salter M^r Cambell and M^r Robins, for their Honours Concurrence They return and say they delivered the same.

Resolved That William Taylard of the City of Annapolis cause the Assembly Office in the Stadt House to be well fitted with a good new Door and Lock and Key to the same and likewise furnish it with a Table and Forms with Seperate

L. H. J. Boxes to lodge Papers in, to be paid for the same by the Public
 Lib. 41. in the next Levy, which the said William Taylard agreed to.

The House adjourns till To Morrow Morning

Friday 11th Nov. 1709

The House met again according to Adjournment.

Called over. Were present as yesterday.

Read what was done Yesterday.

The House proceeds to settle the Fees for private Bills &^{ta}

Tobias and John Pollard.	To the Honble Speaker	£ 8. 0. 0
	To the Clerk of the House.	4. 0. 0
Daniel Packett	To the Honble Speaker	–. 10. 0
	To the Clerk	–. 5. 0
Col ^o Holland and others.	To the Honble Speaker	10.. 0..0
	To the Clerk	5.. 0..0
Susannah Tracey	To the Honble Speaker	10..0
	To the Clerk	. 5..0
Thomas Edmonson	To the Honble Speaker	1.. 0..0
	To the Clerk	10..0
Matthew Mason	To the Honble Speaker	1.. 0..0
	To the Clerk	0..10..0
John Edgerton	To the Honble Speaker	10..0
	To the Clerk	5..0

Col^o Holland Col^o Ennalls Col^o Greenfield and Col^o Greenberry enter the House and delivers the Bill regulating the Militia Indorsed In Council Eodem Die and the first Part agree to pass omitting the Supplementary Clause relating to fines unless you will leave it in the Power of the Col^o and Lieut^t Col^o to hear and determine and levy their fines

Signed p Order W Bladen Cl. Co.

p. 254 Col^o Greenberry enters the House and delivers M^r Speaker the following ingrossed Bills

Bill confirming a Deed to Matthew Mason

Bill relating to Runaways Imprisonment

Bill for Removal of John Edgerton

Bill empowering Edmonson to sell Lands

Bill to allow the Importation of Bread &^{ta} All assented to by the Honble Council

Bill relating to the Militia read again. Ordered it be indorsed Viz^t

By the House of Delegates Nov. 11th 1709

L. H. J.
Lib. 41.

Read again with the Amendments proposed by the Honble Council and the Amend^t agreed to with the Addition of Major or any two of them

Signed p Order W Taylard Cl. Ho. Del.

Sent up to the Honble Council p Col^o Smithson, Col^o Smith, Col^o Lowe, Col^o Maxwell, Col^o Smallwood and Major Gale for Concurrence

They return and say they delivered the same

Col^o Ennalls and Col^o Holland enters the House and delivers in the following ingrossed Bills

Bill repealing a certain Clause in an Act ascertaining Fees to Attorneys

Bill for Relief of Tobias and John Pollard

Bill for Naturalization of Daniel Packett

Bill restraining the ill Practice of Sheriffs

Bill confirming Land to William Holland Esq. and others

Bill suspending the Execution of the Act for Relief of poor Debtors

Bill reviving and continuing Process &^{ta} in S^t Mary's, Baltimore and Dorchester County Courts.

Bill confirming a Release made to M^r Heath.

Bill reviving the Act for Officers Fees. All indorsed. Read and assented to by the Honble Council.

Col^o Greenberry and Col^o Whittington enter the House and brought with them the Bill relating to the Militia. Indorsed. Eod^m Die Read in Council and agreed to pass with the Amendment
W Bladen Cl. Co.

Read again in the House and past for ingrossing

The Petition of Thomas Reading read in the House as foll.
Viz^t

To the Honble Robert Bradley and the other Gentl. Delegates now sitting in the House of Assembly. The Humble Petition of Thomas Reading

Humbly sheweth to your Honours; That inasmuch as the Assembly in the Year of our Lord 1704 thought meet to constitute your Petitioner Printer as may to your Honours appear upon the then Journal, and at the same Time ordered that your Petitioner should be yearly considered by the several Counties for the Annual Laws of every Assembly the which are all ready to be produced to your Honours: Now may it please your Honours your Pet^rs Allowance is so small, together with the Inconveniencies that attend the same (as has already been

L. H. J. demonstrated to y^r Hon^{rs}) render your Pet^{rs} Employment
 Lib. 41. insignificant and not sufficient to maintain him.

Therefore your Petitioner most humbly prays y^r Hon^{rs} will
 be pleased to take his Case into y^r Hon^{rs} Consideration and
 p. 255 make him what further Allowance your Honours shall think fit
 and likewise that your Honours will be pleased to make
 especial Order that the Secretary permit your Petitioner to
 have the Laws Enacted this Session so convenient to copy in
 Order for the Press, as to your Honours most wise Judgment
 may seem most methodical. And your Petitioner as in Duty
 bound shall ever pray &^{ts}

Which being read and fully debated, Ordered the same be
 thus indorsed Viz^t

By the House of Delegates Novem^r 11th 1709

Upon reading the within Petition it is Resolved by the
 House That M^r Secretary permit and allow Thomas Reading
 the Petitioner immediately after this Session to take a Copy
 of the Laws now Enacted in Order that for Conveniency of
 the Province he by all convenient Speed print the same and
 that the said Reading get the great Seal affixed to each Body
 at the several Counties Charge and transmit a particular Body
 to each County for which he is to be allowed and paid by each
 County for the same and every other Session for the future
 500^{lb} Tob^o a Body and that he prepare and deliver to the Clerk
 of the House one printed Copy for the Use of the Assembly
 and another for the Provincial Court to be paid for by the
 Public. Which is ordered to be done by all convenient Speed

Col^o Ennalls enters the House and delivers M^r Speaker the
 Journal of the Committee of Accounts.

Indorsed Nov 11th 1709 Read and assented to by her
 Majesty's Council Signed p Order W Bladen Cl. Co.

Ingrossed Bill, reviving the Act for the Militia. Read and
 assented to by the House of Delegates

Signed p Order W. Taylard Cl Ho. Del.

Sent up to the Honble Council for their Assent by Capt
 Crabb and Capt. Jowles

They return and say they delivered the same.

Col^o Ennalls enters and delivers the same Bill.

All the foregoing ingrossed Bills brought into the House
 were severally indorsed

Read and assented to by the Honble Council

Signed p Order W Bladen Cl. Co.

John Hall Esq. and Col^o Whittington enter the House. L. H. J.
The following Ordinance delivered to the Honble Speaker Lib. 41.
Viz^t

By the Council in Assembly Nov 11th 1709.

Resolved and Ordered by this Board That the publick Treasurers of this Province pay unto the Members of her Majesty's Honble Council, House of Delegates and other Officers belonging to the General Assembly and others to whom publick Allowances are made on the Journal of the Committee of Accounts this Session so much Monies as the said Treasurers have in their Hands proportionably to the said Councillors, Delegates and other Persons Allowances now made on the said Journal of Accounts; and the rest as fast as the Mony comes to the said Treasurers Hands.

Signed p Order W Bladen Cl. Co.

November 11th 1709 Read in the House of Delegates and p. 256
they concurred therewith

Signed p Order W. Taylard Cl. Ho. Del.

M^r Daniel Mariarte and Capt Richard Jones Ordered to attend the Honble Council and acquaint them that this House have nothing lye before them therefore are ready to wait on their Honours when commanded to conclude this Session

They return and say they delivered their Message

The Honble Col^o Holland and Col^o Coursey enter the House and acquaint M^r Speaker that the Honble Presid^t and Council command him and the whole House to attend them at the Council Chamber and so withdrew

Upon which the House adjourned to the Council Chamber and M^r Speaker carried with him the following ingrossed Bills.

1 Bill repealing a certain Clause in an Act ascertaining Fees to Attorneys &^{ia}

2 Bill for Relief of Tobias and John Pollard

3 Bill for Naturalization of Daniel Packett

4 Bill restraining the ill Practice of Sheriffs

5 Bill confirming Lands to Col^o Holland and others

6 Bill suspending the Execution of the Act for the Relief of poor Debtors

7 Bill reviving & continuing the Process &^{ia} in S^t Mary's Dorchester & Baltimore Counties

8 Bill confirming a Deed of Release to M^r Heath

9 Bill reviving the Act for Officers Fees

10 Bill confirming a Bill confirming a Deed to Matthew Mason

11 Bill for Relief of John Edgerton a Prisoner

12 Bill empowering Thomas Edmonson to sell Land

L. H. J. 13 Bill to allow the Importation of Bread Flour and Indian
Lib. 41. Corn

14 Bill reviving the Act for the Militia &^{ta}

15 Bill relating to Runaways Imprisonment and for Relief
of Indian Harry

The Speaker and Members appeared in the Council Chamber where M^r Speaker was pleased to deliver unto the Honble President the foregoing Bills; who, by Advice and Consent of the Honble Council he enacted them into Laws by sealing them with the Great Seal of the Province and indorsing them severally as followeth, Viz.

Novemb^r 11th 1709 On Behalf of her Most Sacred Majesty
Ann by the Grace of God Queen of Great Britain &^{ta} we will
this be a Law

Edw ^d Lloyd	} Signed by them and the rest of the Honble Council.
W ^m Holland	
Tho ^s Ennalls	

After which the Honble President was pleased to declare That with the Advice of her Majesty's Council he thought fit to prorogue this present Session of Assembly until the 28th Day of March next and that he did prorogue them accordingly until the said 28th Day of March next

Thereupon M^r Speaker and the rest of the Members returned to their House; where M^r Speaker took his Chair and declare to the House 'till what Time the Honble President was pleased to prorogue this Session of Assembly

And the House prorogued themselves to the same 28th Day of March next

p. 257 So this second Session of Assembly ended on the 11th Day of November in the Eighth Year of the Reign of our Sovereign Lady Queen Anne by the Grace of God of Great Britain France and Ireland Defender of the Faith &th Annoq Dom. 1709.

The Honble Edw^d Lloyd Esq. Presid^t of her Maty's Honble Council &^{ta} W. Taylard Cl. Ho. Del.

The Addresses following were ordered to be entered in this Journal Viz.

To the Queen's Most Excellent Majesty

The Humble Address of the President Council and Delegates of your Maty's Province of Maryland, now in General Assembly sitting;

To your Sacred Majesty Sheweth,

That the Inhabitants of this your Majesty's Province complain that the Office of Governor in Chief of this your Majesty's

Province and the Office of Keeper of your Majesty's Great Seal of this Province being in one individual Person consist not with the good Government thereof for thereby it comes to pass that when an Appeal is granted before the Governor and Council after a Decree in Chancery that the same individual Person which gave the Decree is also Judge in the Appeal, of the bad Consequence whereof your Majesty's Subjects here being very sensible, in most humble Manner implore your Majesty of your Grace and Clemency to provide a proper Remedy.

L. H. J.
Lib. 41.

Signed p the Honble Council and House of Delegates.

W. Taylard Cl. Ho. Del.

To the Queen's Most Excellent Majesty

The humble Address of your Majesty's dutiful and loyal Subjects the Delegates and Representatives of the several and respective Counties of your Majesty's Province of Maryland now sitting in a General Assembly;

Sheweth to your Majesty That his Excellency John Seymour Esq. our late Governor hath given us to understand your Majesty's Dissassent to two Laws lately passed here, one about the Gauge of Tobacco Hogsheads the other against cropping and defacing the same, which we believe your Majesty would not have denied your Royal Assent to if any had appeared for us to have made your Majesty sensible of the Reasonableness of the said Laws And first we humbly beg Leave to lay before your Majesty the true State of the Trade of this Province, and so it is that the Merchants living at London most usually during the Wars adventure little on their own Account most great Ships coming chiefly on Freight to which the Merchants and Owners have great Encouragement by the Artifices of raising it to an extravagant Rate that the Tobacco that loads and employs so many large and defensible Ships pays such vast Sums to your Majesty and purchases such Abundance of the Goods and Manufactures of Great Britian is chiefly the proper Tobacco of the Planters Merchants and Inhabitants of this Province and at their proper Risque and Hazard sent to London, and tho' it produces little to us the Merchants who acts as our Factors thereby with little Hazard most certainly gather vast [sums] by their Commissions and other Perquisites which they make and by laying Obligations on the Masters of such Ships to take no Tobacco on Freight but from such who will consign to the Employers of such Masters especially when they have so much Advantage by Plenty of Freighters as to force it; thereby engrossing all the Consignments they can to themselves and frustrating the publick and

p. 258

L. H. J. general Advantage which Shipping ought to be to the Nation.
 Lib. 41. Hence we presume it comes to pass that they have made this
 Scruple about the Size of the Hogsheads of this Province exceeding that of Virginia. We have enquired into their Gauge and find ours now used exceed but two Inches in Diameter of the Head being equal in Length and for justifying our Size we humbly offer this Reason to your Majesty: That the Tobacco generally made in Virginia is a more substantial thick waxy Leaf and by Consequence weighs heavier and contains greater number of Pounds in one Hogshead of their Size and their Tobacco than in one of our Size filled with our Tobacco which is more light and chaffy insomuch that they (as we compute) ordinarily get three thousand two hundred Pounds of Tobacco carryed home as cheap as we get two thousand two hundred which only Reason being taken into your Majesty's Royal Consideration we hope will induce your Majesty to suffer us to hold the same Gauge which is so trivial a Damage to the Storage of Ships that we wonder any should trouble your Majesty with it: But if any hereafter (through Greediness) make their Hogsheads above the Gauge we are willing either to subject them to greater Penalties or the Commanders of Ships may make them pay an higher Freight proportionable or refuse to take or agree for the Freight of them.

Now Dread Sovereign having as we think truly stated the Case of this Province your Majesty will discern who bears the Burthen and consider we cannot but justly complain when we see our Hhds cropp'd and defaced and the Tobacco by great Parcels taken out of the Cask which should defend it and thrown into Holes and Corners and most abominably abused in Quality so liable to Plunder and Pillage and other Damages too many to particularize to your Majesty whereby it comes to pass to our too certain Experience that our Tobacco comes very light home and being consigned to the Owners of the Ships by the Artifice aforesaid, by whom such Damage ought to be repaired, and the Owner himself the Agent that should demand it, we go altogether without Redress being so far from the Spot and Scene where such Abuses are acted. This puts us upon making the Law against cropping, which yet proves but of small Effect to restrain it but hope we have hereby shewn Reason to incline your Majesty now only to favour this Bill but any other that may be devised to secure our Goods from such Rapine and Plunder, and in a special Manner to extend your Royal Favour to support us; which Favour we stand in need of above all your Subjects because we think we are the most imposed upon by the Owners and Hirers of Ships and the least able to help ourselves. And we

do with all Humility humbly beg that for the future when any Person do solicit your Majesty to dissasent any of our Laws your Majesty will be graciously pleased to allow us to be heard before you do grant our Request. It's further taken Notice of that we have dropped one Act against the Divulgers of false News, which was of very large Extent and by Experience found to be rather hurtful by becoming a Snare to ignorant and unwary People and abused by malicious Informers to that Purpose then applyed to the Punishment of ill disposed People so that it has been let fall by former Assemblys and thought not fit to be renewed since there is other good Laws to bring them to Punishment who shall any ways maliciously divulge any Thing in Derogation of your Majesty's Honour which shall always be dear and tender to us

L. H. J.
Lib. 41.
p. 259

To the Queen's most Excellent Majesty

We your Majesty's most dutiful and loyal Subjects the Delegates of the Province of Maryland and now convened in a General Assembly have taken into Consideration your Majesty's Order in Council to our late Governor John Seymour Esq. relating to the making a Law for the settling a Fine on Ordinary Licenses on your Majesty's Secretary of Maryland and having read and considered the Complaint of Sir Thomas Lawrence to your Majesty and the other Papers relating thereto which his Excellency was pleased to lay before us do beg Leave to acquaint your Majesty we have made strict Search into the Records of this Province and therein find That in the Year one thousand six hundred and sixty two, there was an Act made for the Encouragement of Ordinary Keepers without any Time given for Licenses. That in the year one thousand six hundred seventy Eight an Act was made for regulating Ordinaries and advancing the Revenue of the Lord Proprietary who had then the Government of this Province and thereby was given to his said Lordship for every Ordinary License in Saint Mary's City two thousand Pounds of Tobacco and in the Counties twelve hundred Pounds of Tobacco which is the first Act ever settled a Fine on Ordinary Licenses and that but Temporary after which the Lord Proprietary out of his especial Favour to his Secretarys (they being his Relations) did give and grant the Profits arising from the Ordinary Licenses to them but we find no Act of Assembly for settling the same on the Secretary's during his Lordship's Government. We find in the Year 1692 being the Year his late Majesty King William of Glorious Memory took upon him the Government of this Province the then Assembly knowing the Profits arising, from Ordinary Keepers to be no Branch of the Secretary's Office did by an Act made that Year give to the then

L. H. J. Govenor Copely for every License to keep Ordinary at Saint
 Lib. 41. Mary's City two thousand Pounds of Tobacco and in the
 Counties twelve hundred Pounds of Tobacco which Act was
 to continue but three Years Sir Thomas Lawrence being then
 Secretary of Maryland who upon passing the Act and another
 p. 260 the same Session Entituled an Act for Tonnage and settling
 Naval Officers Fees within this Province petitioned his said
 late Majesty King William that the same Act might not pass
 the Royal Assent under Pretence that the Profits arising thereby
 were Perquisites belonging to the Secretary Office and upon
 the said Sir Thomas's Complaint none appearing to gainsay
 the same the said Acts were dissassented but not any Directions
 to vest the Benefits of Ordinary Licenses in Sir Thomas Law-
 rence as Secretary or otherwise True it is the Assembly by an
 Act made in the Year 1694 in the Time of Governor Nicholson
 did give the Profits arising from Ordinary Licenses to Sir
 Thomas Lawrence which is the first Law that ever gave such
 Fines to the Secretary which said Act was Temporary and
 expired in three Years And altho' the Assembly did afterwards
 by other Acts continue the same to the Secretary yet it was
 always by Temporary Laws thereby reserving to themselves
 the Power of disposing of it as to them should seem meet.
 And it being considered that the Fees of the Secretary's Office
 of late are vastly increased through the Multitude of Business
 therein and the Licenses to Ordinary Keepers not being and
 Ways entered or recorded in the Secretary's Office is unreason-
 able the Fines arising thereon should be given or settled
 on him

This, Dread Sovereign is the true State of the Case, and
 we doubt not will give your Majesty full Satisfaction that Sir
 Thomas Lawrence as Secretary has no Right to the Fines on
 Ordinary Licenses within this Province, and hope your Majesty
 will not hear any further Complaints against us by Sir Thomas
 Lawrence upon this Subject.

Robert Bradley Speaker	Thomas Robins	Ja Smallwood
Thomas Trueman Greenfield	John Whittington	Will. Wilkinson
Henry Pereg. Jowles	Solomon Wright	Thos. Crabb
Joseph Guibert	R. Ungle	Walter Storey
Thomas Covington	Phil. Hemsley	James Maxwell
Dan' Pearce	John Bradford	James Phillips
Richard Jones Jun'	Nicho. Lowe	Rich ^d Colegate
Charles Greenberry	Sam' Worthington	Aquila Paca
Daniel Mariartee	Geo. Gale	Rob' Tyler
Joseph Hill	T. West	Philip Lee
John Mackall	Nath' Dare	
W. Smith	Robert Skinner	

ACTS.

Lib. L. L.
No. 64.
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Maryland ss.

Att a session of Assembly Begun and held at the City of Annapolis In Ann Arundell County the 26th Day of October In the Eight year of the Reigne of our Sovereigne Lady Anne Queen of Great Brittain ffrence and Ireland and the Dominions and Territorys thereto Belonging Defender of the ffaith &^{ca} Annoque Dom One thousand seaven hundred and nine. The hon^{ble} Edward Lloyd Esq^r being president of her Maj^{tys} Councill of the Province aforesaid

Were Enacted the Laws following

An Act Confirming and Makeing good and Valid in Law a Certaine Lease or deed of demise made between Robert Smith Late of Talbot County Esq^r Deceased and Mathew Mason of the same County planter

Whereas Robert Smith Late of Talbot County Esq^r by the name of Robert Smith of Talbot County in and by a Certaine Writeing or deed poll by him duley Executed bearing date the Twelfth day of Aprill one thousand Seven hundred and three did unto ffarme Lett Unto Mathew Mason of the same County and his heires and assignes for and dureing the Term of his Life and the Life of his then wife. And his Eldest son Mathew and in Case the said Mathew should die before his ffather and Mother then for the Life of Richard Mason one hundred acres of Land part of a Tract of Land Called Barbadoes Hall Lyeing on Coursivall Creek Rendring Yearly on the Tenth day of October the Rent of two Shillings Sterling to the said Robert Smith or his heires And Whereas the said Robert Smith shortly after died before the said Lease or deed poll was by him acknowledged before the Justices of the Prov^{ll} or County Court according to Law, and for that the said Lease or deed poll is of the proper hand Writeing of the said Robert Smith Esq^r and Wants severall Requisites to make an absolute title to the said Mathew Mason for the Terme of the Life of himself his wife and Son or Sons according to the Intent & designe of the Lessor and Leesee. The said Mathew Mason therefore humbly Supplicated this present Generall Assembly that the said Lease might by an Act of this Generall Assembly be made good and Valid in Law which being thought Reasonable, Its humbly prayed that it may be

Lib. L. L. No. 64. Enacted and be it Enacted by the Queens most Excellent Majesty by and with the advice and Consent of her Maj^{ties} Councill and Assembly of this province and the Authority of the same that the said Lease or deed poll so as aforesaid made by the said Robert Smith to the said Matthew Mason shall be duly Entered & Recorded in the Records of the County Court of Queen Anns County where the Land Lyes and that by Vertue of such Recording and this Act the said Lease or deed poll shall Vest and Settle in the said Matthew Mason his Executors Administrators and assignes under the yearly rents and Covenants therein Expresses a good sure Estate from the day of the date thereof for and dureing the Life of the said Mathew Mason and his said wife and the Life of the said Mathew Mason the son and in Case the said Mathew the son shall die before the said Mathew Mason the father and his said Wife then dureing the Life of the said Richard Mason and the Life of the Longest Liver of them according to the true Intent and meaning of the said Lessor or Lessee at the time of making the said deed or Lease any Law Statute usage or Custome or any Want of Significant Words or Clauses in the said Deed or the Want of Acknowledgm^t or Recording thereof by the said Robert Smith in his Life time to the Contrary Notwithstanding.

Novemb^r 10th 1709.

Read & assented too by the
house of Delegates, Signed p
order W Taylard Clk d.

Nov^r 10th 1709

Read and assented to by her
Maj^{ties} hon^{ble} Councill in Assem-
bly & Signed p order.
W Bladen Clk Council.

Nov^r 11th 1709.

On the behalf of her most sacred Maj^{ty} Queen Anne of
Great Brittain &c^a I will this be a Law.

Edw ^d Lloyd	} Thomas Greenfield
W ^m Holland	
W ^m Coursey	
Tho ^s Ennalls	
	Cha. Greenberry
	Jn ^o Hall
	W ^m Whittington

An Act Confirming and Makeing Good and Effectuall in Law
a Certaine deed or Release made by Susannah Tracy Wife
of Thomas Tracy Late of Ann Arundell County Carpenter
to James Heath of the same County Gentleman.

Whereas Thomas Tracy sometime of Ann Arundell County
Carpenter hath now absented himself out of this province up-

wards of five yeares Leaveing his wife Susannah Tracy wth Lib. L. L.
 Several Small Children in a Very poor Condition without No. 64.
 making any provision for or sending any Assistance to her
 the said Susanna nor Doth shew Know in what Country the
 said Thomas now is And Whereas John Siwick the first hus-
 band of the said Susanna by his Last will and Testament,
 devised to her and her heires for Ever two hundred acres of
 Land part of a Tract of Land Called Pascalls purchase Lyeing
 at Herring Creek in the said County of Annarundel.

And Whereas for good and Valluable Considerations made
 to the said Susanna by James Heath of Ann Arundell County
 aforesaid Gent as well in dicharging her of a Bond which she
 had Entred into before her marryage with the said Thomas
 Tracy to One John Wilson for which she was sued since the
 departure of the said Tracy as in paying to her the said Susanna
 the Sume of three thousand pounds of Tobacco she the said
 Susannah Conveyed and made Over all her Remaining part
 unsold by her to the said Wilson to Jonathan Jones and to
 Christopher Vernon unto the said James Heath his heires and
 Assignes for Ever.

And Whereas the said Susannah for and in Consideration
 of the further sume of four thousand pounds of Tobacco to
 her paid by the said James Heath hath by Indenture Bareing
 date the first day of November one thousand Seven hundred
 & nine, and acknowledged before Philemon Lloyd Esquire
 one of her Maj^{ty}s Justices of the Prov^l Court of this province p. 385
 the third day of the Same Month Remised released & for Ever
 Quit Claimed all the Right which she the said Susanna hath
 or ought to have in and to the said remaining part of the said
 Land unsold as aforesaid to the said James Heath his heires
 and assignes & for that the said Indenture or deed of Release
 being Executed by the said Susanna whilst under Coverture
 will not barr the said Thomas Tracy nor the heires of the said
 Susanna from haveing and Claimeing the said Land and Prem-
 ises she Humbly petitioned this Present Generall Assembly that
 it might be Enacted

And be it Enacted by the Queens most Excellent Majesty
 by & with the advice and Consent of her Maj^{ty}s Councill &
 Assembly of this province and the Authority of the same that
 the said Indenture or deed of Release upon it's being Enroled
 in the Prov^l or County Court Records in this Province shall
 according to the purport true Intent and meaning thereof
 Enure and take Effect and be good and available in Law to all
 Intents Construtions and purposes whatsoever and shall Vest
 and Settle in the said James Heath and his heires and assignes
 a good Estate in ffee Simple notwithstanding the said Susanna
 being under Coverture hath made and Executed the said

Lib. L. L. release in her own name only and shall not Only for Ever
No. 64. Barr the said Susanna her heires and assignes, but also the said
Thomas Tracy and all Claimeing by from or under him from
all and Every the Land in the said release Expressed or men-
tioned or intended to be there Expressed or mentioned and all
the Rents Issues and proffitts of the same any Law Statute
Vsage or Custome to the Coverture of the said Susanna to
the Contrary notwithstanding.

And be it also Enacted by the Authority advice and Consent
afores^d that the said four thousand pounds of tobacco paid or
to be paid to the said Susanna by the said James Heath shall
not be Lyable to any attachment or other process whatsoever
for or upon account of any debt due or oweing from the said
Thomas Tracy but shall wholly be to the Vse and beniffitt of
the said Susanna towards the Relieveing & Supporting her &
her Children any Law Statute Vsage or Custome to the
Contrary notwithstanding.

Nov^r 10th 1709

Read and assented to by the
house of Delegates Signed p
ord^r W Taylard Clk d

Nov^r 10th 1709.

Read & assented too by her
Maj^{ty}s hon^{ble} Councill in Assem-
bly & Signed p ord^r
W Bladen Cl Council.

Nov^r 11th 1709

On the behalf of our most Sovereigne Lady Queen Anne of
Great Brittain &c. We will this be a Law.

{	Edw ^d Lloyd	{	Thomas Greenfield	}
	W ^m Holland		Ch ^a Greenberry	}
	Will ^m Coursey		John Hall	}
	Tho ^s Ennalls		W ^m Whittington	}

An Act appointing how Long Suspected Runaways shall Lye
in prison and for the discharge of Indian Harry Late a
Prisoner in Somerset County.

Be it Enacted by the Queens most Excellent Majesty by and
with the advice and Consent of her Maj^{ty}s Council and As-
sembly of this province and the Authority of the same that
when any person (Except Negroes and Mullattoes) shall be
found Travelling without passes and shall be taken up as Sus-
pected Runaways and by any Justice of Peace Committed to
the Custody of any Sherriffe or Goaler within this province, It

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No. 64.
p. 386

shall not be Lawfull for such Sherriffe or Goaler to hold such person in Custody Longer then six months and if such Person Can at any time within the said six months produce a Certificate or other Justification that he or she is no Servant he or she shall and may by order of any Two Justices of the County where such person is Committed to Prison be discharged from any further Imprisonment he or they in Liew of Imprisonment ffees serving such Sherriffe or Goaler or his or their assignes so many days as he or they were in Custody of such Sherriffe and Twenty days or two hundred pounds of tobacco to him or them who took such Person up or pay ten pounds of Tobacco p Diem to such Sherriffe or Goaler for Imprisonment ffees and no more.

And if any Sherriffe or Goaler shall detayne such person in prison after such order of two Justices or the Expiration of Six months or payment of Ten pounds of Tobacco p Diem as aforesaid such Sherriffe or Goaler shall be Lyable to an action of Faulse Imprisonment any Law Statute Vsage or Custome to the Contrary Notwithstanding.

And Whereas it is Represented to this Generall Assembly that there was Lately in Prison in Somersett County an Indian named Harry who was formerly a servant to M^r Nath^l Pope of Virginia and was taken in Somersett County as a suspected runaway and Comitted to the Custody of Major John Cornish the then Sher and by him delivered to Collonel W^m Whittington the succeeding Sherriffe and afterwards was Comitted to the Custody of M^r John Bozman the present Sherriff and the said Major Cornish haveing some time after he was taken up sent to Acquaint the said M^r Pope that his servant was in his Custody to w^{ch} the said M^r Pope returned Answer he now disowned him and should not Come for him and the said Indian haveing often done work as a Servant for all the said Sherriffs in the time of his Imprisonment,

Be It Therefore Enacted by the authority af^d by and wth the advice and Consent af^d that from and after the publication hereof the abovesaid Indian Named Harry shall be Discharged from any further Imprisonment or takeing up on the account af^d of running away from the said M^r Nath^l Pope & that neither he the said Indian nor any other person shall be obliged to pay to the said Sherriffs or any other person any ffees or other allowance Either for his the said Indians past Imprisonment or for takeing him up or by means of any Escape by him made save the sume of Eight hundred pounds of Tobacco to Co^{ll} W^m Whittington who has been at farr greater Charges in retakeing the said Indian any Law Statute Vsage or Custome to the Contrary in any wise notwithstanding

Lib. L. L.
No. 64.Nov^r 10th 1709.Nov^r 10th 1709.

Read and assented to by the house of Del. Signed p ^r ord ^r W. Taylard Clk d	{	Read and assented to by her Maj ^{ty} s hon ^{ble} Councill in As- sembly & sign'd p ^r ord ^r W Bladen Cl. Council.
---	---	---

Nov^r 11th 1709

On the behalfe of our most Sovereigne Lady Queen Anne
of Great Brittain &c We will this be a Law.

{ Edw ^d Lloyd W ^m Holland Will. Coursey Tho: Ennalls }	{	Thomas Greenfield Cha: Greenberry John Hall W ^m Whittington }
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p. 387 An Act Confirming the title of the Lands therein mentioned
unto Collonell W^m Holland Richard Harrison and Samuel
Chew.

Whereas Collonell W^m Holland Richard Harrison and Samuel Chew have made it appear to the Generall Assembly of this province that they had heretofore Employed as their Trustees and agents John Hyde and Isaac Millner of the City of London in the Kingdom of England Merchants to purchase for them Certaine Lands Lyeing in Calvert County Called Abington manner and Dousdall Containing about two thousand acres (more or Less) Late the Lands of John Abington heretofore a Merchant in this province Deceased that the said John Hyde and Isaac Millner in pursuance of the said Co^l W^m Holland Richard Harrison and Samuell Chews directions in Reference to the said purchase, proceeded so ffarr therein as to purchase from Miriell Abington the Heiress at Law of the said John Abington by Vertue of a decree for that purpose made in the high Court of Chancery in the said Kingdom of England the Lands aforesaid in order to be by them Conveyed to the said Co^l William Holland Richard Harrison and Samuel Chew, in the proportitions by them agreed upon that the said John and Isaack have accordingly Conveyed the same to Richard Harrison and Seth Biggs deceased in order to be by them further Conveyed and Settled according to the said Collonell William Holland Richard Harrison and Samuell Chews agreement Between themselves which is now done by the said Richard Harrison the said Biggs being dead, that the said Hyde and Millner being not so Conversant with what our Law in this province Requires in order to the passing of Lands from one person to another omitted the Getting the said Miriell Abingtons acknowledgment of the said Lands as our Law Requires in such Cases and the said

Miriell Abington being since dead so that her acknowledgment Cannot now be had nor any other way devised how that defect in the said Co^{ll} W^m Holland Rich^d Harrison and Samuel Chews title to the said Lands may be helped but by an Act of Assembly to Confirme their Right who have actually paid a Valluable Consideration for the said Lands. Wherefore the said Co^{ll} W^m Holland Richard Harrison and Samuel Chew prayed releife in the premises from the Generall Assembly and in Order thereunto that an Act might pass in their favour to supply the defect of the said Meriell Abingtons Acknowledgment of the deeds by her Executed to the said John Hyde and Isaack Millner which was thought Reasonable to be allowed.

Be it therefore Enacted by the Queens most Excellent Maj^{ty} by and with the advice and Consent of her Maj^{ty}s Councill and Assembly of this province and the Authority of the same that the said Lands Called Abington Mannor and Dousdall be and stand Confirmed unto the said Co^{ll} W^m Holland Richard Harrison and Samuel Chew and their heires according to the divisions made between themselves thereof and with such Estates therein as the said Richard Harrison by deed indented between him and the said Colonell W^m Holland and Samuel Chew made bearing date the Twentyeth day of June one thousand seven hundred and nine has Limited and Expressed the said want of the acknowledgment of the said Miriell Abington in any wise Notwithstanding. Provided that this Act nor anything therein Contained shall Extend or be Construed to Extend to debarr the heir or heires at Law of the said Meriell Abington of his her or their Right of in and to the Lands in the said Recited deeds, mentioned if such heire or heires shall make his her or their Claime or Claimes within the Space of four yeares anything in this Act Conteyned to the Contrary Notwithstanding.

Nov^r 10th 1709

November 10th 1709

Read and assented by the house of Delegates Signed p ord ^r	} Read and assented too by her Maj ^{ty} s hon ^{ble} Councill in Assem- bly & Signed p ord ^r
W Taylard Clk. d	
	W Bladen Cl Council

Nov^r 11th 1709

On the behalf of her most Sacred Maj^{ty} Queen Anne of Great Brittain &c. We will this be a Law :

{ Edw ^d Lloyd	} Thomas Greenfield
{ W ^m Holland	
{ Will: Coursey	
{ Tho: Ennalls	
	{ Ch ^a Greenberry
	{ Jn ^o Hall
	{ W ^m Whittington

Lib. L. L. No. 64. An Act Impowring Thomas Edmondson of Talbot County surviveing Executor of his father John Edmondson to sell and dispose of the Lands by the said John Edmondson Left for payment of his debts.

Whereas John Edmondson late of Talbot County deceased by his last will and Testament in writeing bearing date the 9th day of October in the yeare of our Lord one thousand Six hundred ninty seven did give full power and authority to his Executrix and Executor to dispose of all his Lands in the Territorys of Pensilvania or In Maryland which he had not by his said will Given to Maintaine his Children and to bring them up and to pay all his Just Debts and the Remainder to be devided among his wife and Children and of his said will did Constitute his wife Sarah his sons James William and Thomas Sole Executors who after the death of the said John Edmondson took upon them the said Executorshipp & paid the debts of the said John Edmondson so farr forth as his Personall Estate Extended but that not being sufficient fully to Satisfie and pay the said John Edmondsons debts and before any of the said Lands Left to be sold Could be disposed of and Legally Conveyed the said Sarah the wife James & William the Sons dyed, and the said Thomas is only Left Surviving Executor and for as much as the said Thomas Edmondson as surviving Executor by the words in the said will is not sufficiently Impowered to sell and dispose of the said Lands according to the intent and bequest of the Testator therefore prayed this present Generall Assembly that an Act might pass to Impower him the said Thomas Edmondson to sell & dispose of the said Lands so Left to be sold for payment of the said John Edmondsons debts which being thought reasonable It's humbly pray'd that it may be Enacted.

And be It Enacted by the Queens Most Excellent Maj^{ty} by and with the advice and Consent of her Maj^{ty}s Councill and Assembly of this Province & the Authority of the same that the said Thomas Edmondson by Vertue of the said Last will and Testament of the said John Edmondson decēd and of this present Act shall be and is hereby fully and amply authorized and Impowered to Sell and dispose of all or any part of the said Land left to be Sold by the said John Edmondson and to make or Cause to be made to any purchasor or purchasors and their heires for Ever a good and indefeazeable Estate of Inheritance in fee Simple and to Execute and performe all the trusts reposed in the said Executors as fully and Effectually to all Intents and purposes as if the said Executors were all Liveing and did or Could Joyne in Performing the said will and that he shall and may and is hereby Authorized and

Impowered with the money or Tobacco arising by such Sale or Sales to apply to the Uses in the said will appointed any Law Statute Usage or Custome or want of Authority so to do by the words in the said Last will and Testament of the said John Edmondson to the Contrary notwithstanding. Lib. 1. L. No. 64.

Nov^r 10th 1709

Read and assented too by
the house of Delegates.
Signed p^ord^r
W Taylard Clk d

Nov^r 10th 1709

Read and assented too by her
Maj^{ty}s hon^{ble} Councill in Assembly
& Sign'd p^ord^r
W Bladen Cl Council.

Nov^r the 11th 1709.

On the behalf of her most Sacred Maj^{ty} Queen Anne of Great Brittain &c Wee Will this be a Law.

Edw ^d Lloyd	Tho: Greenfield
W ^m Holland	Ch ^a Greenberry
Will Coursey	John Hall
Thos. Ennalls	W ^m Whittington

An Act to reforme the ill practice of High Sherriiffs within this Province

Whereas Complaint hath been made to this Present Generall Assembly that severall Sherriiffs within this province being indebted to severall of the Inhabitants thereof as well for orders drawn on them for publick debts as for their private debts will not discount the Same out of any publick or County Leavy due to such Sherriffe but will Compell such person to take and receive for such debt or debts indeffirent Tobacco in remote and Inconvenient places and take the body or Goods of such Persons in Execution with Intent to Extert from them their best and finest Tobacco or some other Illegall and Vnreasonable allowance or Sallary to the Great prejudice of severall of the Inhabitants of this province for prevention whereof Be it Enacted by the Queens most Excellent Maj^{ty} by and with the advice and Consent of her Maj^{ty}s Councill and Assembly of this province and the authority of the same that if any high Sherriffe or high Sherriiffs being Indebted to any person or persons shall refuse to discount or allow the Same out of any publick or County Leavy due from such person or persons but will notwithstanding the same debt being due from the Sherriffe take the body of such person in Execution shall be Lyable to be prosecuted for false Imprisonment. And in Case such Sherriffe do not take the body of such person in

Lib. L. L. Execution but shall take any of his goods or Chattells in Exe-
 No. 64. cution whilst the Sherriffe remaine in such persons debt shall
 be deemed & taken as a Trespassor and Lyable to the same
 prosecution paines penalltys and forfeitures as if any private
 person had took the said Goods. And be it further Enacted
 that the high Sherriffe of Every respective County shall be
 Lyable to be sued as afd for his own or any of his deputies
 offence or offences against this Act and the debts mentioned
 which the Sherriffe may owe to any Inhabitant are to be under-
 stood of such debts as are assigned the Inhabitants in the pub-
 lick or County Leavey or due from the high Sherriffe by Bill
 bond note or account proved any Law Vsage or Custome to
 the Contrary Notwithstanding this act to Endure for three
 yeares & to the End of the next Session of Assembly which
 shall happen after the said three yeares and no Longer.

p. 390

Nov^r 10th 1709.Nov^r 10th 1709

Read and assented too by the house of Delegates: Signed p ord ^r W Taylard Clk h d.	}	Read and assented too by her Maj ^{ties} hon ^{ble} Councill in Assembly & Signed p ord ^r W Bladen Cl. Council.
--	---	---

November the 11th 1709.

On the behalf of her most Sacred Maj^{ty} Queen Anne of
 Great Brittain &c. We will this be a Law.

{	Edw ^d Lloyd W ^m Holland Will: Coursey Tho: Ennalls	}	{	Tho ^s Greenfield Ch ^a Greenberry John Hall W ^m Whittington	}
---	---	---	---	--	---

An Act for the Removeing of John Edgerton late of Saint
 Maryes County planter now Lyeing under Execution for debt
 in the Custody of the Sherriffe of Calvert County.

Be it Enacted by the Queens most Excellent Maj^{ty} by and
 with the advice and Consent of her Maj^{ties} Councill and Assem-
 bly of this province and the authority of the same that John
 Edgerton late of Saint Maryes County Planter being now
 under Execution for debt in the Custody of the Sherriffe of
 Calvert County for divers and Sundry sumes of money and
 Tobacco at the suite of divers and sundry persons shall by the
 Sherriffe of Calvert County aforesaid be assigned over Carryed
 and Conveyed in Execution for the debts and matters which
 he now or before such assignment over shall stand Charged
 within the Custody of the said Sherriffe of Calvert County into

the Custody of the Sherriffe of Saint Maryes County where the residency of the said John Edgerton was and where the Estate of the said John Edgerton Lyes and that by Virtue of this Act the Sherriffe of Calvert County shall be and is authorized Impowered and required with all Convenient Speed to deliver and assigne over to the Sherriffe of Saint Marys County who is hereby authorized and required to receive him the said John Egerton by whatsoever name or names he shall be Called or whatsoever debt or Cause he shall be Comitted by Indentures according to the Vsual and accustomed forme Used, from one Sherriff to another and that from and after such assignment and delivery the Sherriffe of St Marys County aforesaid shall be and is by this Act Impowered and required to keep & Retaine in his Custody the said John Edgerton for all such debts and Causes as he shall be assigned over and peticularly Exprest in such Indenture and shall be deemed to be Chargeable for any Escape that may by the said Egerton be made from him in as full and ample manner to all Intents and purposes as if the said Edgerton had been Committed into his Custody by any Court or Courts of Law, whatsoever or taken by him by any process whatsoever Issueing out of any Courts of this province any Law Vsage or Custome to the Contrary Notwithstanding. Provided allways that nothing in this Act shall be deemed to debarr or hinder the Sherriffe of Calvert County from haveing takeing and receiveing all such Just ffees as to him shall be due from the said Edgerton but that he shall have the same remedy for the recovery thereof as if this Act had not been made, neither shall the Sherriffe of Calvert County afores^d be Lyable to any Action of Escape after such assignment for any Escape made by the said Egerton for or on any Cause mentioned in such Indenture as aforesaid to be made between him and the Sherriffe of Saint Maryes County aforesaid.

Novemb^r 10th 1709

November 10th 1709.

p. 391

Read and assented too
by the house of Delegates,
Signed p order
W Taylard Clk d

Read and assented too by her
Maj^{ty}s hon^{ble} Councill in Assembly,
& Sign'd p ord^r
W Bladen Cl Council.

November 11th 1709

On the behalf of our most Sovereigne Lady Queen Anne of Great Brittain &c^a We will this be a Law.

{	Edw ^d Lloyd	{	Thos: Greenfield	}
{	W ^m Holland	{	Ch ^a Greenberry	}
{	Will: Coursey	{	John Hall	}
{	Tho: Ennalls	{	W ^m Whittington	}

Lib. L. L.
No. 64.

An Act for releife of Tobias Pollard second son of John Pollard late of Dorchester County deced and John Pollard Grandson and heire at Law to the said John Pollard Esq^r have peticioned this Generall Assembly that the aforesaid John Pollard Esquire by his last will and Testament had devised to a Certaine W^m Pollard deceased father of the Petitioner John Pollard severall Tracts of Land (Viz) Winfields point Tobias Lott the Goar Grass Reeden, Hamersmith Patrick's Wells, and William's Good will, And to the said Tobias Pollard Divers other Tracts of Land (Viz) Marsh Land Sharps out Lett, Sharps desire blood point Johns desire the Race, Island in the Marsh Woolf Trapp Ridge, Goation and good Luck point, And the heires Males of their body's Lawfully begotten all which said Tracts of Lands lyeing and being in Dorchester County aforesaid, the Children of the said Tobias Pollard being daughters are not Capable of Inheriting by Reason of the Speciall Tayle aforesaid, and the said John Pollard being decrepid and not Likely of Ever haveing any heires, the said Tobias and John Pollard therefore humbly prayed this Generall Assembly would Give Leave to bring in a bill for their Relief by Enlarging their Estates into a Tayle Generall.

Be it therefore Enacted by the Queens most Excellent Maj^{ty} by and with the advice and Consent of her Maj^{ty}s Councill and Assembly of this province and the authority of the Same that the said John Pollard the Grandson and Tobias Pollard the Younger son of the said John Pollard Esquire deceased Each and Either of them shall by the authority of this Generall Assembly and by Virtue of this Act severally have hold and Enjoy and to all Intents and purposes whatsoever be deemed and adjudged to have hold Enjoy and be Severally posest of the Severall Tracts of Land and Tenements as by the said will devised and have Estate therein in Tayle Generall any Law Statute Vsage or Custome or any Article or Clause in the said will to the Contrary notwithstanding.

November 10th 1709.

Nov^r the 10th 1709:

Read and assented too by
the house of Del.

Signed p ord^r

W Taylard Clk h d

Read and assented to by her
Maj^{ty}s hon^{ble} Councill in Assem-
bly & Sign'd p ord^r

W Bladen Cl Council.

Nov^r 11th 1709

On the behalfe of our most Sovereigne Lady Queen Anne of Great Brittain &c^a We will this be a Law.

{	Edw ^d Lloyd	{	Thomas Greenfield	}
{	W ^m Holland	{	Ch ^a Greenberry	}
{	W ^m Coursey	{	John Hall	}
{	Tho: Ennalls	{	W ^m Whittington	}

An Act Suspending the Execution of an Act of Assembly Entituled an Act for the Releif of poor debtors and Languishing prisoners. Lib. L. L.
No. 64.
p. 392

Be it Enacted by the Queens most Excellent Maj^{ty} by and with the advice and Consent of her Maj^{ty}s Councill and Assembly of this province and the authority of the Same that one Act of Assembly made at a Generall Assembly begun and held at the Citty of Annapolis the Twenty Eight day of November one thousand Seven hundred & Eight Entituled an Act for the releife of poor debtors and Languishing prisoners nor any Clause thereof shall be put in Execution by any person or persons whatsoever upon or under any Colour or pretence whatsoever untill the End of the next Session of Assembly any thing in the said Act or any other Act to the Contrary Conteyned notwithstanding. Provided allways that nothing in this Act shall Extend or be Construed to Extend to debarr or hinder the Justices of the severall County Courts to allow the benefitt of the said Act to any person or persons that shall be actually in prison or Custody of any Sherriffe or Goaler upon any arrest or Execution at or upon the Eight day of November one thousand seven hundred and nine or that have allready Claimed the benefitt thereof anything in this Act to the Contrary Notwithstanding.

Nov^r 10th 1709.

Nov^r 10th 1709

Read and assented too by the house of Del:	}	Read and assented too by her
Signed p ord ^r		Maj ^{ty} s hon ^{ble} Councill in Assem-
W. Taylard Clk h d		bly & Sign'd p ord ^r
		W Bladen Cl Council.

Nov^r 11th 1709

On the behalf of our Sovereigne Lady Queen Anne of Great Brittain &c We will this be a Law:

{ Edw ^d Lloyd	{ Tho ^s Ennalls	{ John Hall
{ W ^m Holland	{ Tho ^s Greenheld	{ W ^m Whittington
{ Will Coursey	{ Cha: Geenberry	

An Act for the Naturalization of Dan^l Pacquett of Ann Arrundell County Labourer.

Be it Enacted by the Queens most Excellent Majesty by and wth the advice and Consent of her Maj^{ty}s Councill and Assembly of this province and the authority of the same that Dan^l Pacquet of Ann Arundell County Labourer haveing taken the Sevrall Oaths appointed to be taken by Act of Parliament

Lib. L. L. shall be from henceforth adjudged, reputed and taken as a
 No. 64. naturall borne Subject of this province and that he by the
 authority aforesaid be Enabled and adjudged to all Intents
 and purposes to demand Challenge, aske have, hold and Enjoy
 any Lands Tenements Rents and hereditaments to which he
 might in any wise be Entituled as if he was a Naturall borne
 Subject, And also that he shall and may be Enabled to psecute
 Maintaine avow Justifie and defend all manner of Actions
 Suites, Pleas, Complaints, and other demands whatsoever, as Lib-
 erally Frankley freely Lawfully and Securely, as if he was a
 naturall borne Subject within this province any Law Statute
 Vsage or Custome to the Contrary in any wise Notwith-
 standing.

November 10th 1709.

Read and Assented too by
 the house of Del. Signed
 p ord^r
 W Taylard Clk hd.

Nov^r 10th 1709

Read and assented too by her
 Maj^{ties} hon^{ble} Council in Assem-
 bly and Sign'd p ord^r
 W. Bladen Cl Council.

November 11th 1709.

p. 393 On the behalf of her most Sacred Maj^{ty} Queen Anne of
 Great Brittain &c We will this be a Law :

{	Edw ^d Lloyd	{	Tho ^s Greenfield
{	W ^m Holland	{	Cha: Greenberry
{	Will Coursey	{	Jn ^o Hall
{	Tho: Ennalls	{	W ^m Whittington

An Act to allow the Importation of Bread flower and Indian
 Corne from the End of this Sessions of Assembly to the
 End of the next Sessions.

Whereas a Great Drowth happened the last Summer
 whereby the Cropps of Corne made this yeare are Reported
 to be Very Small, for the better Supply of this province and
 to prevent any hardships that may happen thereby. Be It
 Enacted by the Queens most Excellent maj^{ty} by and with the
 advice and Consent of her Maj^{ties} Council and Assembly of
 this province, and the Authority of the same, that is and shall
 be Lawfull for any Person or Persons by Land or by Water
 from the End of this present Session of Assembly at any time
 untill the End of the next Session of Assembly to Import into
 this province from Pensilvania or Carolina or any other of her
 Maj^{ties} Collonys and Plantations any Bread flower and Indian
 Corne, a Certaine act of Assembly made at a Session of

Assembly begun and held at the Port of Annapolis the Twenty Sixth day of Aprill one thousand seven hundred & foure
 Entituled an Act prohibiting the Importacon of Bread Beer
 fflower Malt, Wheat or other English or Indian Grain horses
 Mares Colts or ffleys from Pensilvania and the Territorys
 thereunto belonging or anything therein Contained to the
 Contrary Notwithstanding.

Lib. L. L.
 No. 64.

Nov^r 10th 1709

Nov^r the 10th 1709.

Read and Assented too by the house of Delegates. Signed p ord ^r W Taylard Clk D	}	Read and Assented too by her Maj ^{ty} s hon ^{ble} Councill & Signed p order. W Bladen Cl Council.
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Nov^r 11th 1709

On the behalf of her most Sacred Maj^{ty} Queen Anne of
 Great Brittain &c. Wee will this be a Law.

{	Edw ^d Lloyd W ^m Holland Will: Coursey Tho: Ennalls	}	Tho. Greenfield Cha: Greenberry Jn ^o Hall W ^m Whittington
---	---	---	--

An Act reviveing and Continueing an Act of Assembly of this
 province Entituled an Act for the Ordering and Relateing
 the Militia of this province for the better Security and
 defence thereof and for Supplying some defects therein.

Be It enacted by the Queens most Excellent Maj^{ty} by and
 with the advice and Consent of her Maj^{ty}s Councill and Assem-
 bly of this province and the Authority of the same, that the
 above menconed Act Entituled an Act for the Ordering and
 Regulateing of the Militia of this province for the better
 security and defence thereof made at a Generall Assembly
 begun & held at the Port of Annapolis the fifth day of Decem-
 ber one thousand seven hundred and foure be & is hereby
 revived and Continued in full force and streangth for and
 untill the End of the first Session of Assembly which shall
 happen after the Arrivall of the first Captaine Generall and
 Governour in Chief of this province.

p. 394

And Whereas by the said Recited act there is not sufficient
 provision made to punish such persons as shall neglect to
 appeare at Musters and who are Subject to some ffynes which
 ffynes by the said act are only to be Levyed by Execution
 against the Goods and Chattells of the said Persons for their
 Contempt Which is not so Effectuall as it would be if such

Lib. L. L. Execution were as well to be awarded against the bodies of
No. 64. such Persons as their goods.

Be it therefore Enacted by and with the advice and Consent afores^d that from and after the End of this Session of Assembly where any person or persons by the afore-recited Act are Subject to be fined by any of the Collonells Leivtenant Collonells Majors or Captaines no Execution shall Issue against the body or goods of any such Person or Persons but upon Complaint to the Collonel Leivtenant Collonel & Major or any Two of them where such offence is Comitted and Complaint made who upon hearing the Allegacons of both parties, shall give Judgment thereupon and if need Require Issue Execution to the Sherriffe of the County against the body or goods of such Delinquent or Delinquents for such fine or fynes any Law Statute, Usage or Custome to the Contrary Notwithstanding.

Novemb^r 11th 1709.

Read and assented too by
the house of Del. Signed
p order
W Taylard Clk D

Nov^r 11th 1709

Read and assented too by her
Maj^{ties} hon^{ble} Council in Assem-
bly & Sign'd p order.
W Bladen Clk Council.

November 11th 1709

On the behalf of her most Sacred Maj^{ty} Queen Anne of Great Brittain &c We will this be a Law.

{ Edw ^d Lloyd W ^m Holland Will. Coursey Tho: Ennalls	}	Tho ^s Greenfield Ch ^a Greenberry Jn ^o Hall W ^m Whittington
---	---	---

An Act reviveing and Continueing of all process and proceedings in Saint Mary's County Court Dorchester County Court Baltemore County Court from the first & second Tuesdays, of November one thousand seven hundred and nine to the last Tuesday of the same month.

Forasmuch as mot of the Justices of Saint Maryes County Court and the Clerk of Dorchester County Court and Justices of Baltemore County Court are members of the house of Delegates and attending their places in this Present Generall Assembly by meanes whereof there are not officers Remaining in any of the said County Courts Sufficient to heare and determine Causes within the same or to adjourne the said Courts to

another day, be It therefore Enacted by the Queens most Excellent Maj^{ty} by and with the advice and Consent of her Maj^{ties} Lib. L. L. No. 64.
Councill and Assembly of this province and the authority of the same that all Actions Plaints writts and other process and proceedings at Law whatsoever or howsoever Continued or made Returnable to the first and second Tuesdays in November this present yeare of our Lord one thousand seven hundred and nine in all & Every the said County Courts shall stand P. 395
and by Vertue of this Act be and are Continued and Revived from the said first and second Tuesdays in November this present yeare to the Last Tuesday of the same month any Law Statute Vsage or want of meeting and adjournment to the Contrary notwithstanding.

November 10th 1709.

Nov^r 10th 1709.

Read and Assented too by the house of Del.	}	Read and assented too by her
Signed p order		Maj ^{ties} hon ^{ble} Councill in Assem-
W Taylard Clk. d.		bly & Sign'd p ord ^r
		W Bladen Cl Council.

Nov^r 11th 1709.

On the behalf of her most Sacred Maj^{ty} Queen Anne of Great Brittain &c. We will this be a Law.

{ Edw ^d Lloyd	}	Tho: Greenfield
{ W ^m Holland		Cha: Greenberry
{ Will: Coursey		John Hall
{ Tho: Ennalls		W ^m Whittington

An Act to Repeale a Certaine Clause of one Act Entituled an Act ascertaining ffees to Attorneys and practitioners of the Law in the Courts of this Province and for Levying the same by way of Execucon.

Be it Enacted by the Queens most Excellent Maj^{ty} by and with the advice and Consent of her Maj^{ties} Councill and Assembly of this province and the authority of the same that a Certaine Clause of one Act of Assembly made at a Session of Assembly begun and held at the City of Annapolis the Twenty ninth day of November one thousand Seven hundred and Eight Entituled an Act ascertaining ffees to the attorneys and practitioners of the Law in the Courts of this Province And for Levying the same by way of Execution in these words (that is to say) Provided allways that nothing in this act shall

Lib. L. L. Extend or be Construed to Extend to give Right to any
 No. 64. Courts of this province to admitt any attorney or other person
 practising the Law, to practice in any Court that has been
 already refused so to do by his Excellency and her Maj^{ty}s
 hon^{ble} Council be and is hereby utterly repealed & made Void.

Nov^r 9th 1709.

Read and assented too by
 the house of Del.

Signed p ord^r

W Taylard Clk D

Nov^r 10th 1709

Read and assented too by her
 Maj^{ty}s hon^{ble} Council in Assem-
 bly & Sign'd p order.

W Bladen Cl Council.

Nov^r 11th 1709

On the behalf of our most Sovereigne Lady Queen Anne of
 Great Brittain &c We will this be a Law

{	Edw ^d Lloyd	{	Tho: Greenfield	}
	W ^m Holland		Ch ^a Greenberry	}
	Will: Coursey		John Hall	}
	Tho: Ennalls		W ^m Whittington	}

An Act Reviveing an act Entituled an act for Limitacon of
 officers ffees.

Be it Enacted by the Queens most Excellent Maj^{ty} by and
 with the advice and Consent of her Maj^{ty}s Council and Assem-
 bly of this province and the authority of the same, That one
 act of Assembly of this province made at a Generall Assembly
 begun and held at the Port of Annapolis the fifth day of
 p 396 December one thousand seven hundred and four Entitul'd
 an act for Limitation of officers ffees which was Revived the
 Last Session of Assembly to the End of this present Session
 be & is hereby further Revived and Continued in ffull force
 and Strength from and after the End of this present Session's
 of Assembly for and untill the End of the first session of
 Assembly (or to the End of six months) which shall first
 happen after the Arrivall of the next Captaine Generall or
 Governour in Chief of this Province.

Novemb^r 10th 1709.

Read and Assented too by
 the house of Del.

Signed p order.

W Taylard Clk d

Nov^r 10th 1709.

Read and assented too by
 her Maj^{ty}s hon^{ble} Council in As-
 sembly & Sign'd p order

W Bladen Cl Council

Nov^r 11th 1709.

Lib. L. L.
No. 64.

On the behalf of her most Sacred Maj^{ty} Queen Anne of
Great Brittain &c. We will this be a Law.

{	Edw ^d Lloyd	}	Tho ^s Greenfield	}
{	W ^m Holland	}	Ch ^s Greenberry	}
{	Will. Coursey	}	John Hall	}
{	Tho: Ennalls	}	W ^m Whittington	}

The Seale of the Secretarys office is hereunto affixt this
thirtieth Day of Aprill Anno Dn 1710 on behalfe of the hon^{ble}
Philemon Lloyd Esq^r Deputy Secretary of the Province of
Maryland.
p me Jo Beale Clk Sec^{ry} office

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

At a Session held at Annapolis, Oct. 24 to Nov. 4, 1710.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

EDWARD LLOYD,
President of Council.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss

At A Council held at the City of Annapolis on Tuesday the 24th day of October in the ninth year of the Reign of our Sovereign Lady Queen Ann &c

U. H. J.
p. 655

Annoq Domini 1710

Present

The Hon:ble the President

The Honble { Col William Holland
Col Tho^s Greenfield } Samuel Young Esq^r
Col Charles Greenberry } John Hall Esq^r

This being the Day appointed for the meeting of the General Assembly The honble President & Council took under their Consideration what they had at present to offer unto them And the honble Presid^t having communicated unto the Board what he thought necessary on this occasion It was unanimously approved of

L^t Col Walter Smith M^r Phil Hemsley and M^r Thomas Bordley came from the House of Delegates & acquainted the honble President & Council that their House is met to whom the Honble Presid^t was pleased to say they should very Speedily have notice to attend her Majesty's Council

And pursuant thereto M^r Young & Col Greenberry were sent from this Board to desire M^r Speaker and the Members of the House of Delegates to come up to the Council Chamber, who return and Say they have delivered their Message

M^r Speaker and the House of Delegates came up to the Council Chamber where the Honble Presid^t bespake them as followeth Viz.

M^r Speaker and Gentlemen } We have thought this the
of the House of Delegates } most convenient Time to call
you together chiefly to consider and assess the publick Charge
of this present year. Which we hope will not long detain you
from your respective Familys

Gentlem. As we are Enjoynd by her most Sacred Majesty's royal Instructions not to Enter upon Things of great moment in the absence of a Governour in Chief But what are absolutely necessary for the peace of the Province (which we must thank Almighty God for is entirely well preserved) So we shall be very tender of not paying the strictest obedience thereto. Tho always ready to Concert with your House such

U. H. J. usual & requisite Matters as may conduce to the Preservation of the Peace and be reasonably proposed by you for the Benefit & advantage of those you represent ever having a due regard to her Majesty's said Instruction. And that with as much diligence & convenient Speed as may be in the usual manner.

After which M^r Speaker and the Members of the House
p. 657 took Leave and departed to their House

M^r Robert Tyler M^r Samuel Worthington and M^r Nathan^l Dare came from the House of Delegates & presented Cap^t John Franklyn a Member Elected to serve for Somersett County, M^r Tho^s Hicks & M^r John Hudson Members elected for Dorchester County & Major Charles Hammond one elected for Ann Arundel County and M^r James Bowles for S^t Mary's County

Who in their Presence had by the hon^{ble} Col W^m Holland Chief Judge of the Provincial Court administred to them and took the Oath appointed instead of the Oaths of Allegiance & Supremacy & the Oath of Abjuration which they Severally Subscribed with the Test

And then the Council adjourned until nine of the Clock to morrow morning

Wednesday October the 25th 1710

The Council in Assembly Sate Present

The Hon^{ble} President

The Hon ^{ble} {	Col W ^m Holland	} Col Greenberry	
	Col W ^m Coursey		} John Hall Esq ^r
	Samuel Young Esq ^r		

M^r Hemsley and three other members bring from the House of Delegates, the following answer to what the Hon^{ble} President had offered to them upon the opening this Session Viz.

By the House of Delegates October the 25th 1710

This House have had under their Consideration what your Honours were pleased to say to them at the opening this Session and are very willing and desirous to make this Session
p. 658 as short as possibly they Can and not to Enter upon any Business but assessing the publick Charge, and what seems to be of absolute necessity for the peace and Welfare of this Province

Signed p Order R Dallam Cl Ho Del

The following Message sent to the House by the hon^{ble} M^r Young and M^r Hall Esq^r Viz.

By the honble the Presid^t & Council in Assembly
October the 25th 1710

U. H. J.

Gentlem. Several Acts of Assembly of this Province to wit an Act of Assembly of this Province for relief of poor Debtors &c

An Act for ascertaining the Damages on protested Bills of Exchange and three Laws for erecting Towns &c. having been lately transmitted to her most Sacred Majesty & her disapprobation thereof Signified to us pursuant thereto Proclamations have issued from this Board to notify the Repeale of the said Laws and we herewith send you the three several Orders of her Majesty in Council directing the same for your Inspection and perusal. Also the right Honble the Lords of Trade and Plantations Letter of the 16th of January last having some relation thereto with her Majesty's Order in Council confirming a former order for running out the Boundaries between this Province and the three Countys annexed to Pensilvania on the West side of Delaware Bay and dismissal of the Lord Baltimores petition and being obliged as you may see by the af^d Directions of the Right honble the Lords of Trade and Plantations (especially at this time of your meeting to assess the publick Charge) particularly to offer to your Consideration to assign a Suitable reward and recompense for the Services of the honble the Itinerant Justices and their Trouble and Expences in going the several Circuits and holding Assizes in the respective Countys p. 659

We heartily recommend the same to you that those Gentlemen who have served by Command of the Governm^t here may not seem to be wholly forgotten if not Slighted by us

Signed p Order W Bladen Cl Coun

The Petition of Doctor Christian Swormstead of Calvert County (with a Certificate of his having taken the Oaths of Allegiance &c) read praying an Act may pass for his naturalization, was read at the Board & recommended to the House of Delegates to give leave to bring in a Bill therefore

The Petition of the Vestry in Westminster Parish in Ann Arund County read praying that Philip Jones may be licenced and approved of by the President and Council to be their Reader. Was granted & the same Philip Jones approved of and Licenced to officiate as such he first taking the Oaths required by Law

The Board adjourned until nine of the Clock to morrow morning

U. H. J.

Thursday October 26th 1710

Her Majesty's honble Council met Present as yesterday with the addition of the honble Col Greenfield

M^r Campbell M^r Dare and M^r Hill bring from the House of Delegates Viz.

By the House of Delegates 26th Octob^r 1710

p. 660 This House have considered the papers your Honours were pleased to lay before them relating to the Disapprobation of Several Laws lately passed wherein they find intimated the Reasons sent your Honours for disallowance of the same which if before your Honours this House pray may be Communicated to them

And as to that part of the Message that relates to the Itinerant Justice's Charge This House have debated the same and resolved upon the Questions put (whither the Country ought to pay or allow any thing for such Charge or not) That the Country ought not to pay such Charge. That Constitution being very ill convenient to the Country and imposed upon them without their Consent

Signed p Order R Dallam Cl Ho Del.

In answer whereto carried to the House Viz.

By the Council in Assembly Octob^r 26th 1710

In Answer to your Message by M^r Campbell M^r Dare and M^r Hill We send you the reasons for the repeale of the Act for relief of poor Debtors & languishing Prisoners

We never received any Reasons for the Repeale of the Act for ascertaining Damages on protested Bills of Exchange and for our Town Laws We have perceived no particular Reasons but that there are the like Objections to them as to the Laws for Towns in Virginia

Signed p Order W Bladen Cl Coun.

Sent to the House with Christian Swormstead's Petition

p. 661 W^m Hickman of Calvert County's Petition read and recommended to the House of Delegates

Ordered that M^r Gerard Slye be inserted in the Commission of S^t Marys County Court in his former Station

Ordered that a new Commission issue to Charles County Court that Col Smallwood be omitted and that Col Philip Hoskins be appointed President of that Court and M^r Gerrard Fowkes added also in his former place

That Commission issue to P. Georges County appointing ^{U. H. J.} M^r John Bradford a Justice in the place of M^r James Wallace gone for England

The Petition of the Vestry's of Port Tobacco & Durham Parishes in Charles County read praying that the reverend M^r Butler a Clergyman of great Piety & Learning might be inducted into both the said Parishes and this Board being well Satisfyed that M^r Edw^d Butler is qualifed Licenced & recommended by my Lord Bishop of London Diocesan of this Province The Board advise the honble President to appoint the s^d M^r Butler to these Parishes

M^r Mariartee & M^r Hemsly bring up the reasons for repealing the Law for relief of poor Debtors & Prisoners with the Houses thanks to this Board for communicating the same to them

By the Council in Assembly October the 26th 1710

We herewith send you for your Inspection the Proceedings lately transacted by the honble John Hall Esq^r & Col James Maxwell with the great men of the five Nations and Queen of ^{p. 662} the Susquehannahs Signed p Order W Bladen Cl Coun.

Sent by Col Coursey

The Petition of John Hurst a Prisoner in Baltimore County read and referred to the Consideration of the House of Delegates

And sent by Col Greenberry

The Petition of Margaret Edmondson Guardian of John Edmonson dec^d read praying the Execution of a certain Act of Assembly impowering Thomas Edmonson to sell his Father's Lands for payment of his Debts may be suspended referred to the Consideration of the House of Delegates

Fryday October 27th 1710

The honble the President & Council Sate

Present as yesterday with the addition of the honble Col Whittington.

M^r Bordley M^r Skinner and Cap^t Crabb from the House of Delegates present Major Tho^s Ringold M^r James Harris & Cap^t Edward Scott lately Elected to Serve in this Assembly as Representatives for Kent County Who took the Oaths to the Governm^t appointed by Law & Subscribed the Abjuration Oath & Test

Cap^t Franklyn and two other Members bring from the House of Delegates Viz.

U. H. J. By the House of Delegates October 27th 1710

This House being informed several Palatines were come to Settle in this Province and being willing & desirous to Encourage those poor People in their Industry have resolved that
 p. 663 those Palatines with their Servants shall be free this present year from paying any publick or County charge or Levy and to which they pray the Concurrence of the Honble Council
 Signed p order R Dallam Cl Del.

Which being read and the Board being likewise desirous to Encourage the said Palatines and make them as easy as possibly they can do readily Concur with the Houses resolve Which was Signed p Order W Bladen Cl Coun.

And sent to the House by Col Greenberry & M^r Hall

Cap^t Hans Tilghman's Account & Petition sent to the House of Delegates for their Consideration & recommended that a reasonable Allowance be made him so that he be not Discouraged from Serving the Country

Sent to the House by Col Greenberry & M^r Hall

This Board being informed that the honble Col Thomas Addison had her most Sacred Majestys Warr^t to be of her Council in this Province, Ordered that Notice be given him that they were now sitting

Whereupon the s^d Col Addison came and produced the s^d Warrant under her Majesty's Sign Manual and lesser Seale Counter Signed by the Right Honble the Earl of Sunderland her Majesty's Principal Secretary of State and dated the 15th Jan^{ry} 1708/9 appointing the s^d Col Addison of her Council in this Province and thereupon the s^d Col Addison had administred to him the Oaths appointed instead of the oaths of Allegiance and Supremacy the Oath of Abjuration and the Oath of a Councillour in this Province which he took and subscribed
 p. 664 the Test and Abjuration Oath and then took his place at the Board

The Representation of M^r John Dansey her Majesty's Receiver of Potowmack District read as followeth Viz.

May it please your Honours

By Virtue of your Honour's power to me granted to be her Majesty's Receiver of the District of Potowmack In pursuance thereof I was directed by her Majesty's Attorney for the County of S^t Marys to make a Demand of the Estate of one George Askin of Charles County being forfeited to her Majesty

In obedience I made Demand and found it lodged in the Hands of Madam Mary Contee whose answer was that she

would keep said Estate by order of the late Governour and if U. H. J. I wanted it I might sue his Exec^{rs} for she had it & would keep it

I humbly crave your Honours further directions therein that I may not be charged with said Estate in giving an Acc^t to the Lord High Treasurer of Great Britain how her Majesty's Revenue is appropriated. I likewise inform your Honours that I have received from the Clerk of St Mary's County a List of several sums of tob^o and mony which has been forfeited to her Majesty in M^r George Muschamps Time and find none will be payed

I humbly Crave to be discharged from such Demands unless your Honours will be pleased to give further Directions to Compell the Sheriffs of said Countys to Execute the same on Denial otherwise her Majesty's Revenue and her proper officer in the due Execution of his Duty will be invalid

p. 665

With the greatest Submission I waite your Honours Commds.

Annapolis October the 27th 1710

Which being considered of and the Board informed that the said George Askin has brought a Writt of Error on the af^d Judgem^t do not think fitt to order any further proceedings thereon until the s^d Writt of Error is fully disputed.

But as to the Fines and Forfeitures mentioned to have become due in M^r Muschamps Time they do direct M^r Dansey to Encourage the Clerk of the Indictm^{ts} in St Marys County to get those Fines by due Course of Law

L^t Col Nicholas Low & five other members from the House of Delegates bring the following Message and representation of the Grand Jury at the last Provincial Court

By the House of Delegates October 27th 1710

This House upon debating the Aggrievances herewith sent have resolved that there is no ways to redress the same but by limitting the Jurisdiction of the Provincial Court. By an Act to prevent the Courts holding Plea by original Writt in any Action where the Debt or Damage amounts not to thirty pounds Sterl or 7500th tob^o and pray the Concurrence of the Honble Council thereto

Signed p order R Dallam Cl Ho Del

The Petition of Sam^l Meek read & recommended to the House of Delegates

The Board adjourned until nine of the Clock to morrow morning

U. H. J.
p. 666

Saturday October the 28th 1710

The Council Sate Present as yesterday.

And the Message last night by Col Lowe & five other members being taken into Consideration was further referred to be debated

M^r Mariartee and M^r Bradford bring from the House. A Bill for the naturalization of Christian Swormstead

A Bill reviving the Act directing the Sherriff's Office

A Bill reviving the Act for killing Wolves & Crows & A Bill confirming the last Will and Testam^t of William Dickson late of Talbott County Glover which said Bills were Endorsed read in the House of Delegates the first & second Times & will pass

The reviving Bills were read at the Board the first & second times and ordered to be Endorsed that they are passed at the Board

And then the Board adjourned until nine of the Clock on Monday morning

Monday October the 30th 1710

The Hon:ble her Majesty's Council Sate Present

The honble the President

The hon:ble { Col Coursey } Col Whittington
{ Col Greenfield } Col Greenberry

Then came John Dansey Esq^r her Majesty's Receiver of the district of Patuxent and made oath to his Accounts of the nine pence p Hhd and three pence for Arms from the 3^d of March 1709 to the 28th Inst^t and likewise to his Account of the 1^d p Lw^t on Tob^o Exported out of Patuxent District from the 6th November 1709 to the 28th October 1710

And also to his List of Shipping in the District of Patuxent as he is Collector thereof to the 28th Inst^t

M^{rs} Ann Lynes of Charles County Widow her Petition read complaining of great prejudice & Damage done her by Persons taking upon them to keep ferry and bringing Passengers over Potowmack through her Plantations Spoiling her Tob^o & Corn She having a very good Ferry Boat of her own Praying She may have the same Priviledges of keeping Ferry from her own Plantation to Virginia as were granted to her late Husband Philip Lynes Esq^r by the late Governour Seymour The said Petition is granted and ordered that no other Person whatsoever within this Province presume to keep Ferry there without particular Order from this Board, the s^d M^{rs} Lynes by

her self or Serv^{ts} not taking more for the ferriages than what U. H. J. has been usually taken and limited to her late husband

Then came the honble Sam^l Young Esq^r and was added to the Board

The Bill for naturalization of Christian Swormstead read and Endorsed, that this Board remark the Exception in the last Clause seems incongruous with an Act of Naturalization which is in respect to denization pure and absolute to all Intents & purposes and therefore ought not to be limited

The Bill for confirming William Dickson's last Will and Testam^t read the first Time & Endorsed that if notice has been given the Heir at Law (if any) It will pass

p. 668

The af^d Bills and the reviving Bill sent to the House of Delegates with Sam Meekes petition by M^r Young and Col Greenberry

Cap^t Crabb and M^r Frisby bring up from the House of Delegates a Bill reviving an Act entituled an Act prohibiting the importation of Bread Beer Flower Malt Wheat or other English or Indian Grain or Meale Horses Mares Colts or fillys from Pensilvania and the Territorys thereunto belonging

A Bill impowering certain Trustees to Sell and Value a certain Tract of Land lying in Dorchester County called Richardson's Choice formerly the Land of John Nicholas and by him Sold to William Edmonson which said Bills being read at the Board were Endorsed read the first and second times & Endorsed will pass and sent to the House by M^r Hall and Col Whittington

The Board adjourned until nine of the Clock to morrow morning

Tuesday October the 31st 1710

The Council Sate Present

The Honble the President

{	Col Holland	Col Whittington
	Col Coursey	Sam ^l Young Esq ^r
	Col Greenfield	John Hall Esq ^r
	Col Greenberry	

Capt Jones & Major Hammond bring from the House of Delegates a Bill for the more Speedy conveying of publick Letters & Pacquetts which was read the first & second times & so Endorsed.

A Bill for continuing S^t Marys County Court at the now Court House built at Seymour Town in Sheppards old Fields.

Which being read and Endorsed with remarks & Amendments thereon was sent to the House by Col Whittington

U. H. J. M^r Samuel Young publick Treasurer of the Western Shoar his petition recommended to the Consideration of the House of Delegates

M^r Bordley Col Maxwell & M^r Greenfield bring from the House their Recommendation in favour of M^r Butler.

By the House of Delegates October 31st 1710

This House being very well pleased with the learned and good Discourse made by the Rever^d M^r Butler in his Sermon preached before this House on Sunday last in the forenoon do heartily recommend him to the favour of the honble Presid^t & Council Signed p Order R Dallam Cl Ho Del.

M^r Daniel Mariartee and M^r Hill bring up a Bill continuing Queen Ann's County Court at Queen Anns Town which was read at this Board the first & second Times and sent to the House by Col Coursey

M^r W^m Taylards petition read & recommended to the House of Delegates

Col Walter Smith M^r Dare and M^r Bradford bring up a Bill for ascertaining Persons rights to Town Lands

A Bill confirming the last Will & Testam^t of Rich^d Briges

A Bill for building a Court House for Talbott County at Armstrong's old Field near Pitts bridge And the Bill for
p. 670 continuing the County Court of S^t Mary's at Seymour Town again read & passed by the House of Delegates which was agreed to by this Board

The Houses Message of the 27th October being again taken into Consideration

Resolved that the present Circumstances induces a necessity of Limitting the Jurisdiction of the Provincial Court that the Inhabitants of this Province may not be too much oppressed and burthened by being sued out of their Countys to the Provincial Court when Justice may be administred in the County Courts and Debts more speedily recovered which Practice has occasioned many of her Maty's Subjects here to leave the Province & repair to other Plantations where they are far less serviceable to her Majesty and her Revenue, and more daily leaving the Province the Cost of suit often arising to as much as the Debt besides the Expences of long journeys & longer Attendance on the Provincial Court. Where there are now very many Actions depending and little probability they will be determined in any reasonable Time

Col Finley presents his Accompts of Arms &c Debate for Limitting Provincial Court Jurisdiction The President & Col Coursey not concurring

Wednesday Novem^r the 1st 1710

U. H. J.

The Council Sate Present

The honble President

Col Holland	Sam ^l Young Esq ^r
Col Coursey	John Hall Esq ^r
Col Greenfield	Col Whittington
Col Greenberry	

p. 671

Major Gale & eleven other members bring from the House
Viz.

By the House of Delegates Novem 1st 1710

This House on the 27th of October last sent to your Honours a Message and the Representation of the Grand Jury for the body of this Province, touching several Aggrievances as the Province labours under to which this House hath daily Expected the Honble Council would have returned a favourable answer but contrary to their Expectation (notwithstanding a former remark thereof) They find the answer thereto either delayed, Stifled, or mislaid, And this House being of opinion It is the only thing requisite at this Time for them to take notice of. Humbly pray the honble Council to Send them a speedy and favourable answer thereto that this Session may not be fruitless and prolonged for want thereof

Signed p order R Dallam Cl Ho Del

Mr Philips Mr Hill and Mr Bradford bring up the Journal of the Committee of Accompts

Mr Hudson Mr Jowles Mr Harris and Mr Pearce brought up a Bill for reinvesting Mary & Ann Seward Daughters & Coheirs of W^m Seward late of Dorchester County Dec^d Son and Heir of George Seward formerly of the s^d County of and in a certain Tract of Land in Dorchester County called Sector Endorsed read in their House the first and second Times and will pass.

The same Gentlemen brought up the following Repre- p. 672
sentation Viz.

By the House of Delegates November 1st 1710

Upon Information to this House that there lyes a Prisoner named Elizabeth Williams under sentence of Death in her Majestys Goale at Annapolis and this House having Considered the nature of her Crimes in her Behalf humbly move the honble Presid^t and Council to Extend her Majestys Grace and Favour

U. H. J. to the s^d Prisoner and grant her a pardon (if to them it shall seem meet) which will prevent a great Charge to the Province
Signed p order R Dallam Cl Ho Del

Upon reading whereof advised that a pardon be granted her
Then came the Honble Col Rob^t Quarry and was added to the Board

And the House's Message by Major Gale and others relating to the restraining the Jurisdiction of the Provincial Court being considered It was offered that the making such an Act as desired might lessen her Majesty's Prerogative and that it may be Safer to defer Enacting such Law, until her Majesty's Pleasure be known, And therefore proposed & agreed that the following Answer be sent to the House Viz.

By the Council in Assembly Novem^r 1st 1710

This Board having had long and serious Consideration and Debate upon the House's Message relating to the Aggrievances offered by the Grand Jury & the redressing thereof, some of
p. 673 us are of opinion that the Enacting such Law would very much Intrinch upon her Majesty's royal Prerogative in restraining her Supreme Court of common Law within this Province from taking Cognizance of Actions to be brought of the sums proposed But as to that part of the Aggrievance relating to the suing of Drawers and Endorsers in Separate Actions if your House can find any expedient to remedy it we shall heartily join with you

Signed p Order W Bladen Cl Coun

Sent by M^r Young Col Greenbury M^r Hall & Col Whittington
M^r Gale & twenty three of the Houses Members bring.

By the House of Delegates November the first 1710

In answer to your Message by Samuel Young Esq^r and three other members of your Board this House do say that unless a Bill be passed this Session for the restraining the Provincial Courts Jurisdiction their meeting here has been only to burthen the Country neither can they see wherein It will intrinch on her Majesty's Prerogative and are very sorry some particular Interests should obstruct a Bill so highly necessary for the Good & Welfare of this Province and have resolved no other Expedient can relieve the Aggrievance

neither can this House proceed on any other Business till such a Bill be assented to & therefore pray your Honours Concurrence
Signed p order R Dallam Cl Ho Del

The Board adjourned till nine of the Clock to morrow morning

Thursday November the 2^d 1710

p. 674

The Council Sate Present

The Honble the President

Col Holland	Col Greenberry
M ^r Young	M ^r Hall &
Col Greenfield	Col Whittington

And the Message from the House of Delegates brought up by Maj^r Gale and twenty three other Members of the House being taken into Consideration the Question was put by the Honble Presid^t of the Board if such Bill as proposed should not be Enacted this Session whither It might not endanger the Peace and Welfare of this Province & tend to some Commotions and disturbance and It is unanimously resolved that unless some such Bill as proposed be Enacted this Session the happy peace of this Province may be very much Endangered a recent Instance whereof We have in the late Libells thrown about the Country

The Honble Col Quarry came and was added to this Board. And being acquainted with the resolve of the Board as above and asked his opinion is pleased to say that he cannot be of opinion any Act should be passed which may any wise Intrench upon her Majesty's Prerogative as he takes it the Bill proposed may, & that he only passing through the Province is almost a Stranger to what late Transactions have been in the Country tending to the Breach of the Peace But if the Presid^t & Council have any apprehension of the Genl peace of the Province being Endangered in Case such an Act be not passed He does believe it advisable for them to Join with the Delegates therein

p. 675

L^t Col Lowe & eleven other Members brought up from the House of Delegates a Bill for Regulating Proceedings at Law and preventing the Multiplicity of Actions in the Provincial Court of this Province and the following Message from their House

By the House of Delegates October the 27th 1710

The Bill herewith sent is by this House thought the only Expedient to redress the Aggrievances complained of and humbly offer the same to your Honours for your perusal and hope when you have fully considered the necessity thereof It

U. H. J. will find a favourable Acceptance and timely Concurrence that there may be a Speedy and happy Conclusion of this Session
Signed p order R Dallam Cl Ho Del.

And the said Bill being read at the Board They do not think advisable it should be Clogged with so many Clauses which may as well be provided for by a Separate Law & the present Aggrievances remedied by the Law proposed from this Board.

They not being willing to exceed 20^{lb} Sterl & five thousand pounds of Tobacco and thereupon the following Message was sent to the House.

By the Council in Assembly Novem^r 2^d 1710

The Bill proposed for regulating Proceedings at Law and preventing multiplicity of Actions in the Provincial Court of this Province has been read at our Board. And we assure you we have very hearty Inclinations to relieve the unhappy State of the poor distressed Debtors in this Province as much as in us lyes but being indispensably tyed to a strict observance of her Majesty's Instructions we hope and desire you will not insist upon the Bill as now proposed from your House. But that you will some otherwise as effectually provide Sufficient Remedys for the Aggrievance the Country now lyes under and as to the other matters in your Bill proposed either referr them till another Session or by a Separate Law provide Redress thereto Signed p Order W Bladen Cl Coun.

The Bill for Continuing S^t Mary's County Court at the new Court House at Seymour Town

The Bill for securing the Rights of Persons to Town Lands

The Bill for building Talbott County Court House And The Bill for confirming the last Will & Testam^t of Richard Bridges being read at the Board were sent to the House with several remarks together with M^r William Taylard's petition by Col Greenberry and M^r Hall.

The Petition of John Clements read and recommended to the House of Delegates to admitt a Bill to be brought in for his reliefe

Col Walter Smith and M^r Salter brought up Eight Engrossed Bills Viz.

A Bill for the more Speedy Conveying of publick Letters and packetts of this Province and defraying the publick Charge thereof and for repealing a former Law Entituled an Act

for the more speedy conveying publick Letters and Packetts U. H. J.
of this province and defraying the Charge thereof

A Bill reviving an Act of Directions for the Sherriffs office
in this Province and for the more Easy Paym^t of Publick and
County Levys

p. 677

An Act reviving an Act Entituled an Act prohibiting the
Importation of Bread Beer Flower Malt Wheat or other
English or Indian Grain or meale Horses Mares Colts or
Fillys from Pensilvania & the Territorys thereunto belonging

A Bill reviving an Act Entituled an Act for killing of Wolves

A Bill continuig the County Court of Queen Ann's County
at Queen Anns Town where the Court House now stands

A Bill impowering certain Trustees to sell and value a
certain Tract of Land lying in Dorchester County called
Richardsons Choice formerly the Land of John Nicholls and
by him sold to William Edmonson

A Bill for the naturalization of Christian Swormstead of
Calvert County Surgeon.

A Bill for the confirmation of the last will & Testam^t of
W^m Dickson late of Talbott County Glover dec^d which were
severally assented to by the honble Council

The Committee of Accompts bring up from the House Viz.

By the House of Delegates November 2^d 1710.

This House have appointed M^r Philips M^r Hill M^r Brad-
ford and M^r Bordley members of this House to Join in a
Committee with some of the Members of her Majesty's
Council to apportion the publick Levy and pray your Honours
Concurrence Signed p Order R Dallam Cl Ho Del

The honble Col Greenberry & Col Whittington appointed
to join the Members of the House in a Committee

p. 678

And The Journal of the Committee of Accounts being read
& assented to was sent to the House by the s^d Col Greenberry
& Col Whittington

The Board adjourned till nine of the Clock to morrow
morning

Friday November the 3^d 1710

The Council Sate Present

The Honble Presid^t

{	Col Holland	{	Col Greenfield &
	Col Greenbury		M ^r Hall.
	M ^r Young		

Col Ennalls Representation relating to the Dissatisfaction
the Nanticoke Indians are under was read and recommended
to the House of Delegates and sent by M^r Young and M^r Hall

U. H. J. Col Blakiston's Letter of the 2^d of January 1709 read at the Board and ordered to be sent to the House of Delegates with the following Message Viz.

By the Council in Assembly Novem^r 3^d 1710

Gentlem.

We have herewith sent you Col Blakistons Letter to us of of the 2^d of January last & recommended to you the necessity of our having an Agent in Great Brittain to answer the objections made against our Laws. That upon every little Dissatisfaction to any particular Persons, they may not meet the like Fate several of them have lately had and further we hope you will take it into your Consideration and make
 p. 679 Allowance to Col Blakiston of his Sallary agreed with him for the Time you thought fitt to give his Attorney notice of your resolution not longer to continue him your Agent and not as yet allowed which is fifteen months there having been only three years Sallary allowed him as may appear by the Journalls and must add that we are very sensible Col Blakiston is a Gentm. as willing and capable to serve us as any whatever

Signed p Order W Bladen Cl Coun.

M^r Salter and Eleven other members bring from the House a Bill & the following Message

By the House of Delegates Novem^r 3^d 1710

This House have Considered the Message & Bill proposed by your Honours for relieving the Aggrievances complained of and rather than run into further Debates about it (tho they think the Bill proposed by this House came nearer the matter) have so far conceded to your Honours Request that they now hope all obstacles are removed and that nothing will any longer impede your Assent to the Bill herewith sent but that the same will meet with quick Dispatch, and confirm in us the Good Inclinations you are pleased to declare you have to relieve the unhappy State of this poor distressed Province which never wanted it more than now and as this House never had any Intent or Design to retrench her Majesty's royal Prerogative so they will to their utmost always support & maintain the same
 Signed p Order R Dallam Cl Ho Del.

And a Bill relieving some Aggrievances which was read at
 p. 680 the Board the first and second Time

On which M^r Philemon Lloyd Deputy Secretary having U. H. J.
preferred his Petition to be heard before the same passed had
notice to attend and accordingly came and having heard the
af^d Bill read prayed a Copy thereof her Majesty's Secretary's
office in this Province being much Concerned & Interested
therein

Cap^t Crabb and Major Storey brought up the Bill for securing
Persons Rights to Town Lands with several Amendm^{ts}

Which was read & an additional Clause added & endorsed
will pass therewith and sent to the House by Col Holland

M^r Ungle & M^r Dare bring up two Engrossed Bills assented
to by the House of Delegates Viz.

A Bill for building a Court House for Talbott County at
Armstrong's old Fields near Pitts-Bridge &c

A Bill or continuing S^t Mary's County Court at the new
Court House built at Seymour Town otherwise Sheppard's
old Field

Which were read and assented to by this Board and sent
to the House of Delegates by M^r Hall

M^r Philemon Lloyd's Petition and Motion being again taken
into Consideration. The Board are of opinion that this being
a publick and not a private Bill he ought not to have a Copy
thereof from this Board but are willing his Petition with the
Bill should be sent to the House of Delegates

And accordingly the s^d Bill & Petition was sent to the
House of Delegates by Col Holland & M^r Young

The Bill for reinvesting Swards Heirs in a certain Tract of
Land called Sectar relating to the Lord Baltimores Property p. 681
as well as others concerned and this Board being willing to
hear his Lordships Agents as well as others who have petitioned
against the Bill this Session being near a Conclusion are
desirous to refer it to the next

The said Bill with the Endorsm^t Sent to the House by M^r
Hall, M^r Hudson & M^r Campbell bring up a Bill ascertaining
what shall be allowed Grand & Petite Jurors & Evidences
summoned to the Provincial Courts which being offered so
late this Board have no Time to Consider thereof & therefore
referr it to the next Session & sent to the House by M^r Hall

M^r Harris & Cap^t Scott bring up a Bill for reviving the Act
for relief of poor Debtors & ascertaining the manner of Tenders
in Tob^o read the first & second Times at their House which
was read the first & sec^d times at this Board They also brought
up the Engrossed Bill for confirming the last Will and Testam^t
of Richard Bridges of Talbott County which was assented to
by the Board and returned to the House with the other reviv-
ing Bill for relief of Debtors &c By M^r Hall

U. H. J. The s^d M^r Harris & Cap^t Scott brought up the Resolve of the House about the Nanticoke Indians & Freake.

By the House of Delegates November the 3^d 1710

The House have appointed M^r Hicks M^r Hudson Major Gale & M^r Worthington to treat with the Indians & Freake & make report to this House the next Session

R Dallam Cl Ho Del

p. 682 Col Walter Smith & five other members bring up a Bill from the House to secure Persons from Arrests by Writts out of the Provincial Court or Ann Arundel County Court during the Sessions of Assembly Provincial Court, Court of Chancery High Court of Appeals and Commissary's Court Which being read at the Board and not thought to be of absolute necessity at this Instant This Board are not willing to enter upon the Consideration of it this Session and therefore desire they will not now Insist upon it but that it may be referred to the next

Sent by Col Holland M^r Young & M^r Hall L^t Col Lowe and eleven other Members bring the afsaid Bill

The Board adjourned until nine of the Clock to Morrow Morning

Saturday Novem^r the 4th 1710

The Council Sate Present

The Honble the President

Col Holland	M ^r Hall
M ^r Young	Col Greenbury and
Col Greenfield	Col Whittington

And the Bill to secure Persons from Arrests &c being read with the House of Delegates Endorsed thereon

Ordered that the same be returned to the House with the following Endorsm^t Viz.

By the Council in Assembly November the 4th 1710
Gentlem.

Since we so frankly acquainted you at the opening the Session how far we were limited in passing Acts in the
p. 683 Absence of a Governour in Chief we hope you will be inclined not to press us too far at this Time especially considering that the Law for redressing Agrievances agreed to this Session has provided Sufficiently against Persons being sued out of

their County Courts where they reside & inhabitt which we think Sufficient to redress the present Evil intended to be remedied by this Bill And assure you tis with great Regrett We deny any thing offered from your House But having resolved not to enter upon any extraordinary matters with you will speedily endeavour the Conclusion of this Session

Signed p order W Bladen Cl Coun.

And sent by Col Holland M^r Young and Col Greenfield

Resolved that there is an absolute necessity of having an Agent in London to Speak to our Laws & that it be again recommended to the House of Delegates to join with us in appointing a sufficient & capable Person to represent the Country and offer our reasons for enacting the Laws passed this Session Viz.

By the Council in Assembly November the 4th 1710

We should be much wanting to our Country if we did not once more recommend to you the absolute necessity of having some capable and fitt Person in London to represent our unhappy Circumstances & attend the Lords of the Council of Trade and Plantations to offer our Reasons to support the Laws we have Enacted this Session For we are morally assured and Convinced they will meet great opposition Wherefore we think it adviseable immediately to address their Lordships and offer our Reasons & the necessity of the Laws for remedying the Aggrievances now represented least the many opponents It is like to meet with should forestall us by prepossessing their Ldships with colourable Pretences of Irregularitys or Injustice and therefore heartily wish you would not omitt to do what is so absolute necessary for the service of the Country. Which if you should we know not whom to write to that can or will be any ways Serviceable to us

Signed p Order W Bladen Cl Coun.

And sent by Col Holland Col Greenberry M^r Hall and Col Whittington

M^r Ungle & M^r Robins bring up a Bill for Sale of Talbott County old Court House which was read at the Board the first & second times & agreed to and sent to the House by

M^r Macall and three other members bring up three engrossed Bills Viz.

A Bill securing Persons Rights to Town Lands

A Bill reviving an Act entituled an Act for the relief of poor Debtors and ascertaining the manner of Tenders in Tob^o

U. H. J. Which were read and assented to by the Board L^t Col Lowes Petition read & referred until a Governour in chief arrives.

M^r Worthington and three other Members bring up.

p. 685 From The House of Delegates November the 4th 1710

This House have considered your Message this morning relating to having an Agent &c But, since no Act has passed this Session wherein It can be presumed to be prejudicial to Trade, We cannot think the merchants will make any Interest against their being assented to.

And as for any Person in this Country doing it against the Act for relieving Aggrievances since your Honours do not think fitt to let that Bill pass but for so short Time as two years we presume it will Expire before we can have notice of its Assent and then our mony will be thrown away to no purpose so cannot concur with your Request to Employ an Agent
Signed p Order R Dallam Cl Ho Del

And two Engrossed Bills the one for relieving the Inhabitants of this Province from some Aggrievances they lye under

And a Bill for the Sale of Talbott County old Court House and the Prison Land thereto belonging which were read and assented to by this Board and sent to the House by M^r Young & M^r Hall

The following answer sent to the Houses message by M^r Worthington and three other Members

By the Council in Assembly November the 4th 1710

Gentlem. We are sorry you cannot concur with our Request to employ an Agent and find by your Indifferency in supporting the Law for relieving Aggrievances you do not sett so great Value thereon as we imagined you did and the Consequence of that Law seems to deserve or at least you have little regard to what Censure may fall upon us for passing such an Act Tho in it Self just & reasonable and might be approved if backed by some discreet person at home; yet clashes with such Interests whose Study and Endeavours we may Expect will not fail to oppose and defeat it

Signed p Order W Bladen Cl Coun.

Sent to the House by Col Greenfield & M^r Hall

p. 686

By the Council in Assembly Novem 4th 1710

This Board finding that there is already great Dissatisfaction shewn to the Bill for relieving Aggrievances are willing and

desirous Philemon Lloyd Esq^r Deputy Sec^r of this Province U. H. J.
may be heard in your House thereto before it be Enacted

Signed p Order W Bladen Cl Coun.

And sent by M^r Young

M^r Macall and M^r Paca bring up the Bill for paym^t &
assessm^t of the publick Levy which was read & returned for
amendm^t

Major Gale and two other members brought from the House

By the House of Delegates Novem 4th 1710

Our Esteem for the Act for relief of some Aggrievances is
still very great notwithstanding its short Duration. And we
conceive that unless this Act had been passed few Inhabitants
would continue here And we think the Preamble of the Law
setts forth the necessity of the making of it which is to Ease
the Aggrievances & quiet the minds of the Inhabitants of the
Province which we hope will preserve your Honours from any
Censure at home for passing it, and the Shortness of Time for
which the Act is made will discourage any persons from making
any Interest at home for its repeale When her Majesty's ^{p. 687}
disapprobation if procured cannot probably arrive before the
Expiration of it Therefore we conceive the feeing an Agent
to Speak to it to be an unnecessary Charge

Signed p Order R Dallam Cl Ho Del

M^r Bordley and M^r Hill bring up the Bill for assessing and
paying the publick Levy this present year 1710.

Read first & second Times and sent to the House by Col
Greenbury.

Col Low and M^r Hemsley bring up the Engrossed Bill for
assessing and paym^t of the publick Levy which was read and
assented to by the Council & sent to the House by Col
Greenberry

M^r Salter and M^r Wright from the House acquaint the honble
President that their House have nothing before them but wait
their Commands

The following Message sent to the House Viz.

By the Council in Assembly Nov^r 4th 1710

We cannot but (once more) express our extream dissatis-
faction that you will not be convinced of the absolute necessity
of appointing an Agent were it but for one year and must tell
you that unless you do so we are very unwilling to adventure

U. H. J upon our Assents on her Majesty's behalf to the Act for relieving Aggrievances

Signed p Order W Bladen Cl Coun.

Sent by M^r Hall and Col Whittington

M^r Hemsley and Eleven other members of the House of Delegates bring

By the House of Delegates Novem^r 4th 1710

We can on no Account agree with your Honours in employ-
 p. 688 ing an Agent And tho it be now late We are willing to wait
 your Honours Commands to compleat this Session which if
 fruitless we know on whose occasions, and can justify ourselves
 to those that Sent us here and admire we should be so trifled
 with after the Consent of both Houses to the Bill for relieving
 some Aggrievances and is the first Precedent of this nature
 ever offered to this House which they highly resent

Signed p order R Dallam Cl Ho Del

Ordered the following Message be sent to the House

By the Honble her Majesty's Presid^t & Council
 November the 4th 1710

In reply to your Message by M^r Hemsley and eleven others
 of your House since we see you will not be convinced what we
 have so earnestly recommended is truly for the service of the
 Province we must be content to desist from further importuning
 you to serve your selves and Country, and therefore will M^r
 Speaker and your House to attend us in the Council Chamber
 in order to conclude the Session

Signed p Order W Bladen Cl Coun.

The Speaker and members came up & presented the
 following Bills which were assented to by the President &
 Council on behalf of her Majesty & Sealed with the great
 Seale Viz.

1. A Bill for relieving some Aggrievances
- 2 A Bill reviving an Act directing the Sherriffs office
- 3 A Bill reviving an Act for killing Wolves & Crows
- 4 A Bill confirming the last Will of W^m Dickson
- p. 689 5. A Bill for Naturalization of Christian Swormstead
6. A Bill impowering Trustees to sell Land of W^m Edmon-
 son's in Dorchester County

7. A Bill continuing Queen Ann's County Court House at U. II, J
Queen Ann's Town

8 A Bill for Speedy conveying of publick Letters

9. A Bill continuing S^t Mary's County Court House at
Seymour Town

10. A Bill for building Talbott County Court House

11. A Bill confirming Richard Bridges Will

12. A Bill securing Persons Rights to Town Lands

13. A Bill reviving the Act for relief of poor Debtors and
ascertaining the manner of Tenders in tob^o

14. A Bill reviving the Act prohibiting the importation of
Bread and Beer &c

15. A Bill for Sale of Talbott County Court House

16. A Bill for Assessm^t & paym^t of the publick Levy

After which the Honble President with the advice of her
Majesty's Council prorogued the General Assembly until the
28th Day of March next Ensuing

W^m Bladen Cl Coun.

PROCEEDINGS AND ACTS
OF THE
MARYLAND ASSEMBLY.

At a Session held at Annapolis, Oct. 24 to Nov. 4, 1710.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

EDWARD LLOYD,
President of Council.

THE LOWER HOUSE.

Maryland st

The third Session of Assembly by several Prorogations continued until the 24th Day of October Anno Dom. 1710 in the ninth year of the Reign of our Sovereign Lady Queen Anne of Great Britain &^{ta} At which said twenty fourth Day of October the Honble Robert Bradley Esq. Speaker and several Members met according to the last Prorogation and being entered the House and called over appeared as follows The Honble Speaker and for the Several Counties Viz^t

L. H. J.
Lib. 41.
p. 261

Saint Mary's County		Baltimore County	
Cap ^t Thomas Trueman Greenfield	}	M ^r James Phillips	}
Capt Henry Peregrine Jowles		M ^r Richard Colegate	
M ^r Joshua Guibert		M ^r Acquila Paca	
Ann Arundel County		Somerset County	
M ^r Daniel Mariartee	}	Major George Gale	}
M ^r Joseph Hill		M ^r Samuel Worthington	
		Captain John West	
City of Annapolis		Dorchester County	
Thomas Bordley Esq	}	M ^r Hugh Eccleston	}
		M ^r Walter Campbell	
Calvert County		Prince George's County	
Capt John Mackall	}	M ^r Robert Tyler	}
Col ^o Walter Smith		M ^r John Bradford	
M ^r Robert Skinner		M ^r Philip Lee	
M ^r Nath ^l Dare			
Charles County		Queen Ann's County	
Col ^o James Smallwood	}	M ^r John Whittington	}
M ^r Thomas Crabb		M ^r Philemon Hemsley	
M ^r Walter Storey			

M^r John Franklin a Member formerly elected for Somerset County who by Reason of Indisposition did not appear to qualify himself till this Session Col^o Walter Smith M^r Thomas Bordley and M^r Philemon Hemsley sent to the Honble Council to acquaint that Board that greatest Part of the Members of this House were met and ready to receive their Honours Commands

L. H. J. They return and say they delivered their Message
 Lib. 41.

The Honble Samuel Young and Charles Greenberry Esq^{rs} enter the House & acquaint M^r Speaker the Honble Council command the Attendance of the House in the Council Chamber

M^r Speaker and the House attended the Honble Council, where the Honble President was pleased to speak them as follow

p. 262 M^r Speaker and you Gentlemen of the House of Delegates We have thought this the most convenient Time to call you together chiefly to consider and assess the Publick Charge of the present year which we hope will not long detain you from your respective Families. Gentl. As we are enjoined by her Most Sacred Majesty's Royal Instructions not to enter upon Things of great Moment in the Absence of a Governor in Chief but what are absolutely necessary for the Peace of the Province (which we must thank Almighty God is well preserved) so we shall be very tender of not paying the strictest Obedience thereto, tho' always ready to join your House in concerting such usual and requisite Matters as may conduce to the Preservation of the Peace and be reasonably proposed by you for the Benefit and Advantage of those you represent (ever having a due Regard to her Majesty's said Instructions) and that with as much Diligence and convenient Speed as may be in the usual Manner

M^r Speaker and the rest of the Members repair to their own House

M^r James Bowles a new Member returned elected for Saint Mary's County; Major Charles Hammond a new Member returned elected for Ann Arundel County; M^r John Hudson and M^r Thomas Hicks returned elected for Dorchester County called into the House appeared accordingly. Ordered M^r Samuel Worthington M^r Robert Tyler and M^r Nathaniel Dare attend them and M^r John Franklin to the Honble Council to see the said five Members qualified by taking the Oaths. They return and say they saw them qualified and the new elected Members took their Places in the House

Resolved the House meet every Morning at 9 of the Clock and continue sitting till four in the Afternoon

Ordered M^r Speaker issue his Warrant to the Secretary to issue her Majesty's Writ of Election for a Member for Cecil County to serve in the Room of M^r John Ward now Sheriff of that County.

The House adjourned till 9 O'Clock to Morrow Morning.

Wednesday 25th October 1710

The House met according to Adjournment and being called over there appeared the several Members present yesterday

and also Col^o Maxwell, M^r John Salter, M^r Sol. Wright, Col^o Thomas Smithson, M^r Wornell Hunt, Col^o Lowe, M^r Thomas Robins, and M^r Robert Ungle

L. II, J.
Lib. 41.

Read what was done Yesterday. The House proceeds to name the several Committees

For the Committee of Election and Privileges Col^o Walter Smith, Capt. John Mackall, Capt John West, M^r Hugh Eccleston and M^r Walter Campbell

Ordered the said Committee withdraw upon their Business

For the Committee of Aggrievances Col^o Walter Smith, M^r John Whittington, and M^r Robert Tyler

For the Committee of Accounts M^r James Phillips, M^r Joseph Hill, M^r Thomas Bordley and M^r John Bradford.

For the Committee of Laws Col^o Thomas Smithson, Col^o Nicholas Lowe, Capt John West, Major George Gale, and M^r Samuel Worthington

A Representation of several Aggrievances from the Grand Jury at the last Provincial Court read and the Consideration thereof referred till to Morrow Morning.

Ordered the Rules of the House be transcribed and set up ^{p. 263} which was done accordingly

Ordered the several Committees go out on their Business

Ordered the Committee of Laws inspect what Temporary Acts expire this Session and report the same to the House

Committee of Election and Privileges enter the House and report that M^r James Bowles a Member for Saint Mary's County is duly Elected according to Law.

That Major Charles Hammond a Member for Ann Aⁿ County is duly elected according to Law.

That M^r John Hudson and M^r Thomas Hicks two Members for Dorchester County are duly elected according to Law.

The House proceed to consider what the Honble Council were pleased to say to them at the Opening of this Session; which being debated

Ordered a Message be prepared as follows

By the House of Delegates 25th 8^{ber} 1710

This House have had under Consideration what your Honours were pleased to say to them at the Opening this Session and are very willing and desirous to make this Session as short as possibly they can and not to enter on any Business but assessing the Publick Charge and what seems to be of absolute Necessity for the Peace and Welfare of the Province

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to the Honble Council by M^r Hemsley, M^r Mariartee, M^r Hudson and M^r Whittington.

L. H. J. They return and say they delivered their Message.
 Lib. 41.

The Petition of M^r Joseph Hill being referred from last Session with the Order of the House thereon read and referred for further Consideration when M^r Mathias Vanderheyden appears in the House

Ordered the Sheriff of Saint Mary's County pursuant to an Order of the House the last Session bring to the Bar of this House M^r William Coode to answer his Contempt in not appearing pursuant to a former Order of this House to answer a Complaint against him formerly made. He appeared at the Bar and M^r Speaker declared to him for what Reason he was called; the said M^r Coode endeavoured to excuse himself and withdrew

The House debated the Matter and resolved he should beg Pardon of the House, pay the Sheriff of Saint Mary's County seven hundred Pounds of Tobacco, and to the Clerk of this House three hundred Pounds of Tobacco in full of all Fees to them due for this Contempt. Being called again to the Bar M^r Speaker informed him of the Pleasure of the House, and that in Regard he was poor, they had taken Pity on him and cautioned him to behave himself better for the future. He begged Pardon and was dismissed from any further Attendance.

The Petition of several Inhabitants for erecting a Chapel of Ease between the Head of Severn and South River with the Reference and Order of this House the last Session and the Vestry's Report thereon That the most convenient Place to build the Chapel is a Plantation that was formerly James Fincloes now in the Possession of Sam^l Tubby in All Hallow's Parish, Read and debated. Resolved a Chapel be built there.

Put to the question whether it be built at the Charge of both Parishes or not. Carryed in the Affirmative.

p. 264 Resolved a Bill be brought in for erecting a Chapel of Ease at the Place aforesaid at the Charge of both Parishes by an equal Assessment p^r the Poll and that the Petitioners prepare and bring in the Bill

The Honble Samuel Young and John Hall Esq^{rs} from the Honble Council enter the House and deliver M^r Speaker a Message and several Papers.

Ordered they be laid by 'till to Morrow Morning

The House adjourned till to Morrow Morning Nine O'Clock

Thursday the 26th October 1710.

The House met according to Adjournment Being called over were present as Yesterday. Read what was done Yesterday.

The Message and Papers brought into the House last night by M^r Hall and M^r Young being read was ordered to be entered Viz^s L. H. J.
Lib. 41.

By the Honble the President and Council in Assembly,
October 25th 1710

Gentl. Several Acts of Assembly of this Province (to wit) an Act for Relief of poor Debtors &^{ta}

An Act for ascertaining the Damages on Protested Bills of Exchange and three Laws for erecting Towns &^{ta} having been lately transmitted to her Majesty and her Disapprobation thereof signified to us, pursuant thereto Proclamations have issued from this Board to notify the Repeal of the said Laws, and we herewith send you the three several Orders of her Majesty in Council directing the same for your Inspection and Perusal. Also the Right Honble the Lords of Trade and Plantations Letter of the 10th of January last having some Relation thereto with her Majesty's Order in Council confirming a former Order for running out the Boundaries between this Province and the three Counties annexed to Pensilvania on the West Side of Delaware Bay and Dismissal of the Lord Baltimore's Petition and being by the Right Honble the Lords of Trade and Plantations Directions as you may see by the Letter obliged (especially at this Time of your Meeting to assess the publick Charge) particularly to offer to your Consideration to assign a suitable Reward and Recompence for the Services of the Honble the Itinerant Justices and their Trouble and Expences in going the several Circuits and holding the Assizes in the respective Counties. We heartily recommend the same to you, that those Gentlemen who have served by Command of the Government here may not seem to be wholly forgotten if not slighted by us. Signed p Order W Bladen Cl. Co.

Ordered the same be answered as followeth

By the House of Delegates 26th October 1710.

This House have considered the Papers Your Honours were pleased to lay before them relating to the Disapprobation of several Laws lately passed wherein they find intimated the Reasons sent your Honours for Disallowance of the same which if before your Honours this House pray may be communicated to them and as to that Part of the Message that relate to the Itinerant Justices Charges this House have debated the same and have Resolved upon the Question whether p. 265

L. H. J. the Country ought to pay or allow any Thing for such Charges
 Lib. 41. or not, that the Country ought not to pay such Charges that
 Constitution being illconvenient to the Country and imposed
 upon them without their Consent.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to the Council by M^r Campbell, M^r Hill and
 M^r Dare

They return and say they delivered their Message.

John Parkers, Charles Stinnett, Samuel Lyle, and William
 Williams Petitions read and rejected Darby Fernely's Petition
 read and the Pet^r is left to the Law for his Remedy

Isaac and John Nicholls Petition with the Return of the
 Order of this House was here read together with the Bill
 being likewise read and Ordered to be thus indorsed Viz.

October 26th 1710

Read with the Return of the above Order wherein the Value
 is nine thousand Pounds of Tobacco and ordered a second
 Reading. Rich^d Dallam Cl. Ho. Del.

The Representation of the Grand Jury and Report of the
 Committee of Aggrievances relating to the Multiplicity of
 Actions in the Provincial Courts Read and debated and referred
 for further Consideration to Morrow Morning.

Isaac Dickson and John Harwood's Petition Read and
 indorsed Leave given to bring in a Bill &^{ca}

Rich^d Dallam Cl. Ho. Del.

Committee of Elections and Privileges enter the House and
 report That M^r Thomas Ringgold M^r Edward Scott and M^r
 James Harris are duly elected to serve as Members for Kent
 County

Committee of Laws enter the House and report what Laws
 expire this Session and the Houses Resolve thereupon Viz^t

Thursday 26th October 1710

By the Committee of Laws

The Committee upon Inspection into the Temporary Laws
 find those following will expire this Session if not revived Viz^t

An Act Entituled An Act for Direction of the Sheriffs Office
 in this Province and for the more easy Payment of the publick
 and County Levy.

Resolved it be revived for three years

L. H. J.
Lib. 41.

An Act Entituled An Act prohibiting the Importation of Bread, Beer, Flour, Malt, Wheat, or other English or Indian Grain or Meal, Horses, Mares, Colts, or Fillies from Pensilvania or the Territories thereto belonging

Put to the Question whether the same Law be revived or not?

Carried in the Affirmative and resolved the same be revived

An Act Entituled An Act for the more speedy conveying of publick Letters and Packets of this Province and defraying the Charge thereof

Resolved it be revived with Amendments

An Act entituled an Act for Relief of Debtors and ascertaining the manner of Tenders in Tobacco

Resolved the same be revived or revised.

p. 266

An Act Entituled An Act for the killing Wolves and Crows. Resolved it be revived

And the Committee further report it their Opinion the Law requiring Masters of Ships to publish their Freight as unprofitable and ought to be repealed

Which is put to the Question whether this Law be repealed or not? Carried in the Affirmative and ordered a Bill be brought in for that Purpose

Ordered That a Bill be brought in for the Continuance of Saint Mary's County Court at the new Court House built at Seymour Town ats Shepherd's Old Field the same being included in the former Town Law disapproved of by her Majesty

Resolved a Bill be brought in securing Persons Rights to Town Lands where the late Laws were complied with

The Petition of some Inhabitants of Prince George's County read and rejected

The Petition of Patrick Murphy read and rejected

The Petition of Thomas Reading read and rejected

William Hickman's Petition praying Leave to bring in a Bill to confirm a Title to Land in Calvert County; Read and Leave given to bring in a Bill as prayed upon Notice given to the Infant or his Guardian to appear next Session

Petition of Christian Swormstead praying a Bill for his Naturalization. Read and Leave given to bring in a Bill as prayed

Col^o William Coursey enters the House and delivers M^r Speaker the following Message.

By the Council in Assembly October 26th 1710

In Answer to your Message by M^r Campbell, M^r Dare, and M^r Hill, we send you the Reasons for the Repeal of the Act

L. H. J. for Relief of poor Debtors and languishing Prisoners we never
 Lib. 41. received any Reason for the Repeal of the Act for ascertaining
 what Damages shall be allowed on Protested Bills of Exchange.
 And for the Town Laws we have received no particular
 Reasons; but that there are the like Objections to them as to
 the Laws for Towns in Virginia.

Signed p Order W Bladen Cl. Co.

The Reasons read and sent back by M^r Mariartee and M^r
 Hemsly. They return and say they delivered the Papers

William Coursey Esq from the Council enters the House
 and delivers M^r Speaker the following Message.

By the Council in Assembly October 26th 1710

We herewith send you for your Inspection the Proceedings
 lately transacted by the Honble John Hall Esq. and Col^o James
 Maxwell with the great Men of the five Nations and Queen of
 the Susquehannah Indians.

Signed p Order W. Bladen Cl. Co.

Read and ordered to lye on the Table

M^r Jowles and M^r Greenfield report That pursuant to an
 Order of the House they acquainted the Chaptico Indians of
 the House's Favour to them and that the Money still lies in
 the Treasurer's Hands and the Indians are willing to take the
 same.

The House adjourns 'till to Morrow Morning Nine O'Clock

Friday 27th October 1710

The House met according to Adjournment. Being called
 over were present as yesterday. Read what was done yesterday.
 p. 267 M^r Daniel Pearce, M^r Edward Scott, M^r James Harris, and
 M^r Thomas Ringgold Members for Kent County enter the
 House. And Ordered M^r Scott, M^r Harris and M^r Ringgold
 withdraw till the Council sit to qualify them as Members of
 this House

Proposed by a Member of this House that whereas several
 Palatines arrived in this Province last Spring and not where to
 supply themselves but lived upon the Charity of some People
 that it is reasonable they should be Levy free this Year. To
 which the House concurred And Ordered a Message be pre-
 pared and sent up to the Honble Council for their Concurrence.

Which Message being prepared was here read as followeth

By the House of Delegates 27th October 1710

L. H. J.
Lib. 4th.

This House being informed several Palatines were come to settle in this Province & being willing and desirous to encourage those poor People in their Industry have resolved that those Palatines with their Servants shall be free this present year from paying any publick, County, or Parish Levy or Charge to which they pray the Concurrence of the Honble Council
Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up by M^r Paca, M^r Campbell and M^r Franklin. They return and say they delivered their Message.

Upon Complaint of the Inhabitants of Prince George's County: Ordered That the Justices of Prince George's County aforesaid immediately on Receipt hereof order M^r James Stoddert not to keep any Ferry at Mount Calvert at the County Charge for the future, paying him for the Time he has kept that Ferry proportionable to his Agreement made with the Court Hereof they are not to fail as they will answer the contrary to this House.

Ordered M^r Skinner M^r Bordley and Captain Crabb attend the Council to see M^r Harris M^r Scott and M^r Ringgold sworn. They return and say they see them qualified

Reference of the last Session relating to the Act for three Pence p Gallon &th Read and referred to the next Session of Assembly.

George Parker's Petition Read and rejected.

Mary Seward's Petition Read and the Consideration thereon referred till to Morrow Morning

Robert Robert's Petition Read and referred to the Consideration of next Session of Assembly

Robert Sollars' Petition Read and rejected

Pursuant to an Order of this House the last Session M^r John Gresham High Sheriff of Ann Arundel County appeared at the Bar of this House

The Complaint being read to him the said M^r Gresham was heard what he had to say and withdrew.

The House debated the Matter and Resolved M^r Gresham had not done his Duty and that he should beg Pardon of the House. M^r Gresham again appeared and M^r Speaker was pleased to acquaint him with the Resolve of the House Upon which he begged Pardon and withdrew

The Committee of Laws enter the House and deliver M^r Speaker the following Bills

Bill for Naturalization of Christian Swormstead Read and indorsed

Read the first Time and Ordered a second Reading

L. H. J. Bill repealing the Act requiring Masters of Ships to publish
Lib. 41. their Freight

Read and indorsed

p. 268 By the House of Delegates 27th October 1710 Read the first Time and Resolved it be rejected

Bill reviving the Act prohibiting the Importation of Bread Beer &^{ta} Read and indorsed

By the House of Delegates 27th 8^{ber} 1710 Read the first Time and Ordered a second Reading

Bill confirming the last Will and Testament of William Dixon Indorsed

By the House of Delegates 27th October 1710 Read the first Time and Ordered a second Reading

Bill reviving the Act directing the Sheriffs Office &^{ta} Read and Indorsed By the House of Delegates 27th October 1710. Read the first Time and Ordered a second Reading

Bill reviving the Act for killing Wolves and Crows Read and Indorsed. By the House of Delegates 27th 8^{ber} 1710 Read the first Time and Ordered a second Reading

The Petition of Joseph Lambert Read and Ordered to be entered

To the Honble Robert Bradley Esq. and the rest of the Honble House of Assembly

The humble Petition of Joseph Lambert. humbly sheweth

That your Petitioner being the only vivent Executor of the late deceased the Reverend M^r John Lillingston cannot in Conscience but represent to your Honours the great Loss that the Orphans of the said M^r Lillingston sustain by being denied the forty p Poll for that Year Viz^t 1709 in which it pleased Almighty God to call their Father to his everlasting Rest. It is well known that the Deceased served in the Parish of Saint Pauls many Years before there was any Ministerial Maintenance established in this Province in which Times he could scarce acquire the bare Necessaries of Life for his painful and faithful Labours, and since the Establishment of the forty p Poll wherewith he had to exercise his Charity it has been very extensive and conspicuous even to the Maintenance of some whole Families and to other pious and Charitable uses; the Benefit of which altho' he now reaps in Heaven yet his poor Children want it here on Earth. The only Design therefore of this is only to offer to your Honours whether or not a Legal Induction gives a Right to the forty p Poll of that year in which it is made and if so then Yearly and every Year during the Life of the Incumbent. As moreover that the better Part of that Year for which we claim this forty p Poll was expired before the Death of the said M^r Lillingston (that is) if the forty Per Poll becomes due from the taking the Tax-

ables) which your Petitioner believes it does then the Deceased served ten, if only from November Court, then six Months. All which your Petitioner humbly leaves to your discretional Judgment and Determination hoping that your Honours will be pleased to order your Petitioner the full Payment of the forty p Poll for the year 1709 as aforesaid as being Executor as aforesaid. And your Petitioner as in Duty bound shall ever pray &^{ts} Jos. Lambert

L. H. J.
Lib. 41.

Which being read and debated it's the Opinion of the House that M^r Lillingston's Orphan Children ought to have the Benefit of the whole forty Pounds of Tobacco p Poll for that year he died

Capt Richard Jones a Member for Ann Arundel County enters the House

Magdalen Edmonson Petition read. The Consideration thereof is referred till to Morrow Morning.

Ordered That she appear with her Council and Notice be given Thomas Edmonson to appear with his Council if to him shall seem meet

The Committee of Aggrievances enter the House and report an Aggrievance relating to Wild Horses. Read and referred to next Session of Assembly

John Hall Esq. and Col^o Greenberry enter the House and brought with them an Account due to John Hamesteelman which being here read and debated: It's resolved by the House That the said Hamesteelman be allowed thirty Pounds Current Money to be paid in Tobacco at the Rate of one Penny p Pound. And recommended to the Committee of Accounts for Allowance

Resolved and Ordered That Indian Harry on his Account be allowed four hundred Pounds of Tobacco.

Col^o Greenberry and M^r Hall brought into the House the Message relating to the Palatines. Indorsed.

By the Council in Assembly October 27th 1710

Her Majesty's Honble Council being likewise desirous to encourage the said Palatines and make them as easy as possibly they can do readily concur with the Resolve of the House of Delegates. Signed p Order W. Bladen Cl. Ho. Del.

They also bring John [Hurst's] Petition which was read and referred for further Consideration.

Also John Rogers Petition Read and debated and he and M^r Thomas Jones called into the House and examined

L. H. J. Resolved it be referred until the Petitioner lay before this
 Lib. 41. House an authentick Copy of Col^o Courts' Will

The Representation of the Grand Jury again read and debated. Put to the Question whether the House further proceed therein or not this Session? Carried in the Affirm.

Resolved a Message be prepared and sent to the Council that it is the Opinion of this House no Way can redress the Aggrievance complained of but limiting the Jurisdiction of the Provincial Court not to hold Plea in any Action by original Writ where the Debt or Damage sued for amounts not to thirty Pounds Sterling or Seven thousand five hundred Pounds of Tobacco.

By the House of Delegates 27th October 1710

This House upon debating the Aggrievances herewith sent have Resolved That there is no Way to prevent the same but by limiting the Jurisdiction of the Provincial Court by an Act to prevent the Provincial Court's holding Plea by original Writ in any Action where the Debt or Damage amounts not to thirty Pounds Sterling or seven thousand five hundred Pounds of Tobacco and pray the Concurrence of the Honble Council thereto.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up for their Honours Concurrence by Col^o Lowe, M^r Salter, M^r Ungle, M^r Tyler, M^r Colegate and M^r Hill. They return and say they delivered their Message.

Moved by a Member that M^r Thomas Bordley a Member of this House may be admitted to be of Council on Behalf of Magdalen Edmondson or arguing her Petition before this House
 To which the House concurred

p. 270 The House adjourned till to Morrow Morning Nine O'Clock

Saturday 28th October 1710

The House again met according to Adjournment. Were called over and present as yesterday. Read what was done yesterday.

Ordered the following Bills be read.

Bill prohibiting the Importation of Bread Beer &^{ta} Read and Indorsed 8^{ber} 28th 1710

By the House of Delegates. By especial Order Read the second Time and committed for Amendments.

Bill for Naturalization of Christian Swormstead Indorsed By especial Order Read the second Time and will pass

Bill confirming the last Will and Testament of William Dixon. By especial Order Read the second Time and will pass. L. H. J.
Lib. 41.

Bill reviving the Act directing the Sheriffs Office &^{ta} Indorsed. Read the second Time by especial Order and will pass.

Bill reviving the Act for killing Wolves and Crows Indorsed By especial Order

Read the second Time and will pass

Committee of Laws enter the House and bring in a Bill securing Persons Rights to Town Lands.

Read the first Time and put to the Question whether the last Clause stand or not?

Carried in the Negative. And Resolved that Clause be taken off

And Ordered a second Reading

Petition of M^r Thomas Hicks praying an Allowance &^{ta} Read and considered and allowed two thousand Pounds of Tobacco and recommended to the Committee of Accounts for that Purpose

The foregoing Bills sent up to the Honble Council by M^r Mariartee, M^r Hudson and M^r Bradford. They return and say they delivered the Bills

John Taylor's Petition Read and referred to the Consideration of the next Session of Assembly

And Ordered That Notice be given to the Parties concerned then to give their Attendance

Committee of Accounts enter the House and pray their Direction concerning an Allowance to the Keeper and Secretary for writing Commissions &^{ta} for the Itinerant Justices being debated it's Resolved there be no Allowance.

The Petition of Mary Seward read and Ordered to be entered as followeth.

To the Honble the Delegates and Representatives in this present General Assembly

The Petition of Mary Seward Relict of William Seward late of Dorchester County deceased.

humbly sheweth

That whereas your Petitioner's Husband by his Petition formerly exhibited to your Honours set forth That George Seward Father of your Pet^{rs} Husband, obtained a Warrant for one thousand Acres of Land of the Lord Baltimore and laid Part of the same upon a Tract of Land called Sector containing seven hundred sixty nine Acres lying in the said County as by Certificate of the said Survey duly recorded in the Land Office of this Province doth at large appear, who before he obtained Patent for the same departed this Life leaving behind

L. H. J. him your Petitioner's deceased Husband a very small Infant
 Lib. 41. who, when at Age sued to the Lord Baltimore's Agents for
 Patent to issue to him for the same but was by them denied;
 p. 271 for that a certain Thomas Smithson of Talbot County and
 Thomas Smithson of Dorchester County had upon their Peti-
 tion to the Lord Baltimore's Council obtained an Order that
 they should have Liberty to take the said Land and have
 Patent for the same. Which Land they accordingly surveyed
 and sold the same to a certain Thomas Hicks and others of
 Dorchester County for Recovery of which said Tract of Land
 your Petitioner's Husband brought his Lease of Ejectment
 against the Tenant in Possession and the said Thomas Hicks
 took Defence upon him and nonsuited your said Petitioner's
 Husband for want of Patent for the same to be produced in
 Court, as by the said Petition Respect being thereto had will
 more at large appear.

Upon reading which said Petition your Honours were
 pleased to order That the said Pet^r should be therein heard
 &^{ta} Now your Petitioner prays that whereas your Pet^r Hus-
 band died before his Petition was heard and determined, that
 your Honours would further order that considering her Inca-
 pacity she may be heard by her Council on Behalf of herself
 and the Orphan Children of her said deceased Husband and
 that Summons may issue to the said Thomas Hicks and others
 in Possession of the said Lands to appear before your Honours
 at such Time as your Honours shall appoint. And your Pet^r
 as in Duty bound shall pray &^{ta}

Which being read and the Council heard on both Sides;
 Debated and put to the Question whether the Right be in the
 Petitioner or Col^o Smithson's Assigns? Carried by the
 Majority of the Right is in the Heirs of Seward. Resolved
 Leave be given to the Petitioner to bring in a Bill to restore
 the Orphans to their Right in the Land

The House adjourned till to Morrow Morning Nine O'Clock

Monday 30th October 1710

The House met according to Adjournment. Being called
 over were present as on Saturday; but M^r Lee Capt. Jones
 and M^r Tyler absent; and M^r Hemsley sick

Magdalen Edmondson's Petition being read, and the Council
 on both Sides heard, and ordered to withdraw, the Matter in
 the Petition being debated; it's resolved the Petition be
 rejected

Upon reading Captain Jacob Howard's Bond for Payment
 of three Pence p Gallon for Rum &^{ta} was ordered to be
 indorsed as follows Viz

By the House of Delegates 30th Octo. 1710

L. H. J.
Lib. 41.

It's resolved That Thomas Lone was not such an Inhabitant as would excuse the Payment of the Duty but that he ought to pay the same. Signed p Order Rich^d Dallam Cl. Ho. Del.

M^r Thomas Frisby and M^r Matthias Vanderheyden Members for Cecil County enter the House and took their Places. M^r Tyler enters the House

Moved That a Bill be brought in to settle Baltimore County Court House at the Town of Joppa

Put to the Question whether it shall be decided by the Freeholders or not? Carried in the Affirmative, And Resolved That the Justices of Baltimore County Court at their next Court give Notice that the Freeholders meet at their old Court House next March Court and that M^r Richard Colegate take the Votes of all the Freehold that are for removing the Court House from Joppa; and M^r Aquila Paca take the Votes of all that are for continuing the Court House there. And the Sheriff attend them if need require and either of those Gentlemen to administer Oaths if Occasion require and make Report of their Proceedings to this House the next Session of Assembly

M^r Richard Bennett's Petition referred to this Session was read and further referred to next Session &^{ta}

M^r Joseph Hill's Petition praying an Allowance of a Debt of fifty two Pounds one Shilling in Money due to his Father from the Country and assigned him by one Vangezell Attorney of M^{rs} Herman being the Balance due for finishing the Stadt House Read and considered.

It's Resolved the said Jos. Hill be allowed the same in Current Money and recommended to the Committee of Accounts for that Purpose.

Nicholas Cloud's Petition being read the Consideration thereof is further referred till next Session of Assembly

An Aggrievance relating to the Office of Secretary was read and the Consideration thereof is further referred till next Session of Assembly.

Upon the Motion made relating to the Gate House &^{ta} Resolved That Col^o Smith M^r Tyler M^r Hunt and M^r Bordley be a Committee to enquire into a Way or Method to preserve the Gate-House and Town Pasture and report it to the House.

Order relating to M^r Rousby and M^r Plater's publick Accounts being read: It's further referred to Consideration of next Session of Assembly.

And Ordered That M^r Rousby have Notice given him to appear here and bring with him his and M^r Plater's publick Books and Accounts of the three Pence p Hogshhead for Arms for the House's Inspection

L. H. J. Bill confirming Persons Rights to Town Lands the second
Lib. 41. Time read and committed for Amendment

Edward Harris Petition praying Leave to bring in a Bill to supply the Defect of three Evidences to the Will of Richard Briggs deceased. Read and Leave given to bring in a Bill as prayed

Committee of Laws enter the House and deliver M^r Speaker Bill for continuing St. Mary's County Court House at Seymor Town. Which was read and committed for Amendm^t

Bill reviving the Act for Importation of Bread Beer &^{ta} Which was read. Put to the Question whether the Bill pass or not? Carried in the Affirmative and Ordered to be indorsed.

By the House of Delegates 30th October 1710.

Read the third with the Amendments and will pass.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Bill for more speedy conveying publick Letters and Packets. Read the first Time and Ordered a second Reading

Resolved upon a Motion made by a Member of this House That a Clause be inserted in the Act for securing Persons Rights to Town Lands that nothing in the Act shall prejudice the Right of Richard Bennett Esq to the Land laid out for a Town at Worton Creek in Kent County.

p. 273 M^r Young the Treasurers Account of Paper and Parchment brought into the House by the Committee of Accounts

Resolved he be allowed ten Pounds twelve Shillings three Pence Current Money Moved by a Member that Thomas Edmondson Servant to the Member of this House for Talbot County is taken by a Capias ad respondendum.

Thomas Macnemara by the Sheriff of Ann Arundel County in Breach of the Privileges of this House

Ordered the Sheriff attend this House to Morrow Morning Committee of Aggrievances enter the House and deliver M^r Speaker the Petition of Thomas Macnemara and their Report thereon

Which being read is by the House rejected.

Also Mary Petition and their Report.

Which being read Ordered That the Pet^r and M^r W^m Potts against whom she Complains appear the next Session of Assembly

The Honble Samuel Young and Charles Greenberry Esquires from the Honble Council enter the House and deliver M^r Speaker, Samuel Meek's Petition praying an Allowance which was read and recommended to the Committee of Accounts for that Purpose

Bill reviving the Act directing the Sheriffs Office and more easy Payment of the publick and County Levy. Indorsed. Eodem Die. This Bill was read in Council the first and Second Times and past
W Bladen Cl. Co.

Bill for Naturalization of Christian Swormstead Indorsed.

By the Council in Assembly October 30th 1710

This Act being read at the Board it is remarked that the Exception in the last Clause seems incongruous with an Act of Naturalization which is in Respect to Denization pure and absolute to all Intents and Purposes and therefore ought not to be limited
Signed p Order W Bladen Cl. Co.

Bill confirming the last Will and Testament of William Dixon Indorsed Eodem Die Read in Council the first Time and if notice has been given to the Heir at Law (if any) will pass.
Signed p Order W Bladen Cl. Co.

Bill reviving the Act for killing Wolves and Crows Indorsed Eodem Die

This Bill was read in Council the first and second Times and will pass
W Bladen Cl. Co.

All the foregoing Bills were again read in the House and past for ingrossing

Bill empowering Trustees to sell Lands in Dorchester County formerly sold by John Nicholls to William Edmondson Read and Ordered to be indorsed

By the House of Delegates 30th October 1710

Read again and will pass

Signed p Order Rich^d Dallam Cl. Ho. Del.

Which Bill with the Bill reviving the Act for prohibiting the Importation of Bread Beer &th were sent up to the Honble Council by Cap^t Crabb and M^r Thomas Frisby. They return and say they delivered the Bills

The House adjourned till to Morrow Morning Nine O'Clock

Tuesday 31st October 1710.

The House met again according to Adjournment

Being called over were present as yesterday only M^r Storey who is sick.

L. H. J. M^r Hemsley and Capt Jones enter the House.
 Lib. 4^r. Read what was done Yesterday

Committee appointed to consider Measures to be taken relating to the Town Gate &^{ta} enter the House and deliver M^r Speaker their Report. Which was ordered to be entred Viz.

At a Committee appointed by the Honble House of Delegates to consider upon the most proper Measures for Preservation of the Town Gate and Fence and Pasture &^{ta} as well for the Benefit of the Country as the Citizens of Annapolis sitting at the House of M^r John Dodd this 30th Day of October 1710

Present The Honble Col^o Walter Smith M^r Robert Tyler Wornell Hunt Esq. M^r Thomas Bordley: Who make Choice of John Beard to be their Clerk and proceed to consider of their Subject as followeth Viz.

That the Public has been at the Charge of purchasing the publick Pasture and erecting the Gate House, and that the Citizens have a Property to the Town Lands and have been at the sole Charge of making the new Town Fence and likewise considering that the Inhabitants of the City are Members of the Province and bear their proportionable Part in the publick Levy of what shall be assessed by the Public towards keeping the said Fence in Repair and the Execution of the Office of Gate Keeper.

It is therefore agreed upon by this Committee that the Public shall bear two thirds of the Charges that shall Yearly accrue as well for the maintaining and keeping the Town Fence in sufficient Repair as for the keeping the Gate and paying the Gate keeper; as well for the Security of the Pasture for the Benefit of the Public as the City And that the Citizens shall bear the other third Part of the said Charge and that the Gate keeper be allowed to sell Drink License free but not suffered to stable any Horse or Horses or provide for them otherwise than by keeping them within the Town Pasture for any Person or Persons whatsoever save what he shall keep for his own proper Use nor that he be suffered to receive or take any Gratuity whatsoever for the catching of any Horse that stray out of the said Pasture but that he be obliged to do the same as in Duty bound by Virtue of his Office. And it is further agreed that the House appoint two convenient Persons to join with the City Members for the Time being to appoint and agree with a Gate keeper from Time to Time as Occasion shall require Signed p Order John Beard Clk Com.

31st October 1710 The above Report read and concurred to by the House And M^r Robert Tyler and M^r Daniel Mariartee

appointed to join with two of the Citizens of Annapolis and agree with the Gate keeper &^{ta} Rich^d Dallam Cl. Ho. Del. L. 11, J. Lib. 41.

M^r William Bladen moves the House for Rent of the Free School Which being considered

It's Resolved the Committee of Accounts inspect the Agreement and Journal for the last Payment and make Allowance accordingly
Rich^d Dallam Cl. Ho. Del.

Bill for continuing Saint Mary's County Court House at Shepherd's Old Fields Read the second Time and will pass

Moved that a Bill may be brought in for building a Court House in Talbot County at the Head of Treadhaven. Debated and put to the Question whether a Court shall be built near Pitt's Bridge or Oxford? Carried by the Majority of Votes near Pitt's Bridge. Resolved a Bill be brought in for that Purpose P. 275

Resolved a Bill be brought in to continue Queen Ann's County Court House at Queen's Town where it now stands

Moved that the Vote relating to Baltimore County Court House may be reassumed Put to the Question whether the Vote be resumed or not? Carried by Majority of one Vote in the Affirmative.

Bill for more speedy conveying publick Letters read the second Time and will pass

Ordered that Bill and the Bill for continuing Saint Mary's County Court House at Shepherd's Old Fields be carried up to the Council by Captain Jones and M^r Hammond

They return and say they delivered the Bills

M^r John Gresham Sheriff of Ann Arundel County according to Order appeared at the Bar of this House and M^r Speaker acquainted him with the Order of the House relating to Edmondson as follows.

By the House of Delegates 31st October 1710.

Upon Complaint to this House that Thomas Edmondson a Servant to the Members of this House for Talbot County was arrested by the Sheriff of Ann Arundel County by Virtue of a Capias ad respondendum issued out of Ann Arundel County Court adss Thomas Macnemara in Breach of the Privilege of this House It's Ordered that the Sheriff immediately discharge the said Thomas Edmondson from the said Arrest or any other he now lies under without taking any Fees or Reward therefor whereof he is not to fail as he will answer the contrary to this House

L. H. J. The Sheriff promised to yield Obedience to the Order and
Lib. 41. withdrew.

Ordered M^r Salter M^r Hemsley and M^r Bordley agree with a Workman to finish the Assembly Office and other Offices in the Stadt House and make Report of their Proceedings to this House

The Honble John Hall Esq. from the Honble Council enters the House & delivers M^r Speaker Bill empowering Trustees to sell Land in Dorchester County formerly sold by John Nicholls to W^m Edmondson Indorsed October 31st 1710.

Read the first and second Times in Council and will pass

Signed p Ord^r W Bladen Cl. Co.

Bill reviving the Act prohibiting Importation of Bread Beer &^{ta} Indorsed October 30th 1710 Read in Council the first & second Times and will pass

Signed p Order W Bladen Clk Con^l

Both which Bills were again read in the House and past for ingrossing

Ordered M^r Hunt Col^o Smith Captain Jones M^r Ungle M^r Mariartee and M^r Crabb return the Thanks of this to the Reverend M^r Butler and M^r Hindman for their learned and good Discourses made in their Sermons preached before this House the last Sunday

Ordered the following Message be prepared.

p. 276 By the House of Delegates 31st October 1710.

This House being very well pleased with the learned and good Discourse made by the Reverend M^r Butler in his Sermon preached before this House on Sunday last in the Forenoon do heartily recommend him to the Favour of the Honble President and Council

Signed p Order Richard Dallam Cl. Ho. Del.

Sent up by M^r Bordley, Col^o Maxwell and M^r Greenfield

They return and say they delivered the Message Committee of Laws enter the House and deliver M^r Speaker Bill continuing Queen Ann's County Court at Queens Town Read the first Time and committed for Amendment

Bill securing Persons Rights to Town Lands

Read with the Amendments. Put to the Question whether the Word Dimensions or Directions shall be in the Act?

Carried by Majority of Votes Dimensions The Bill amended and ordered to be fairly transcribed

Bill continuing Queen Ann's County Court House at Queen's Town Read the second Time and will pass. Sent up to the Council by M^r Mariartee and M^r Hill L. H. J.
Lib. 41.

They return and say they delivered the Bill Col^o Whittington from the Council enter the House and delivers M^r Speaker Bill for more speedy conveying publick Letters and Packets &^{ta} Indorsed Eodem Die

Read in Council the first and second Times and Will pass
W Bladen Cl. Co.

Col^o Whittington also brings the Bill for continuing Saint Mary's County Court House at Shepherd's Old Fields Indorsed

By the Council in Assembly 31st October 1710

Read the first Time and will pass with the Amendments proposed, or rather as new drawn W Bladen Cl. Co.

Ordered the new Bill read

Samuel Young Esq. enters the House and delivers M^r Speaker his Petition & Memorial of M^r Bladen. Ordered they be considered to Morrow Morning

William Coursey Esq. from the Council enters the House and delivers M^r Speaker Bill for continuing Queen Ann's County Court House at Queen's Town Indorsed Eodem Die
W Bladen Cl. Co.

Read the first and second Times in Council and will pass.

The said Bill read again in the House and past for ingrossing
Bill reinvesting Seward's Heirs in a certain Tract of Land.
Read and indorsed.

By the House of Delegates October 31st 1710

Read the first Time and Ordered a second Reading to Morrow Morning

Bill continuing Saint Mary's County Court House at Seymour Town Read and indorsed

By the House of Delegates 8^{ber} 31st 1710 Read the first and second Times and by especial Order will pass.

Rich^d Dallam Cl. Ho. Del.

Bill securing Persons Rights to Town Lands Read and indorsed By the House of Delegates 8^{ber} 31st 1710 Read the first and second Times and by especial Order will pass

Rich^d Dallam Cl. Ho. Del.

L. H. J. Bill to confirm the last Will and Testament of Richard
Lib. 41. Briggess Indorsed.

By the House of Delegates 8^{ber} 31st 1710 Read the first and
second Times and by especial Order will pass

Richard Dallam Cl. Ho. Del.

p. 277 Bill for building Talbot County Court House Read and in-
dorsed By the House of Delegates 31st 8^{ber} 1710 Read the
first and second Times and by especial Order will pass

Rich^d Dallam Cl. Ho. Del.

The foregoing four Bills sent up to the Council by Col^o
Smith, M^r Dare and M^r Bradford.

They return and say they delivered the Bills

The House adjourned till to Morrow Morning Nine O'Clock

Wednesday 1st November 1710.

The House met according to Adjournment. Being called
over were present as Yesterday. Read what was done Yes-
terday

Ordered the following Message be prepared and sent to the
Council

By the House of Delegates 1st November 1710

This House on the 27th 8^{br} last sent to your Honours a
Message and the Representation of the Grand Jury for the
Body of this Province touching several Aggrievances this
Province labours under ; to which this House hath Daily ex-
pected a favourable Answer ; but contrary to their Expectation
(notwithstanding a former Remark thereof) they find the
Answer thereto either delayed stifled or mislaid : And this
House being of Opinion it's the only Thing requisite at this
Time for them to take Notice of. humbly pray the Honble
Council to send them a speedy and favourable Answer thereto
that this may not be fruitless and prolonged for Want thereof

Signed p Order Rich^d Dallam Cl. Ho. Del.

Ordered Major Gale, M^r Salter, M^r Ungle, M^r Hemsley,
Cap. Jones, Major Hammond, M^r Bowles, M^r Greenfield, Col^o
Lowe, Captain Mackall, Col^o Smith and M^r Phillips carry the
aforegoing Message to the Honble Council

They return and say they delivered the same
Bill for reinvesting Seward's Heirs to Land in Dorchester County. Read and Ordered to be indorsed. L. H. J.
Lib. 41.

By the House of Delegates 1st Novemb^r 1710
Read the second Time and will pass
R. Dallam Cl. Ho. Del.

Moved that a Message be sent to the Council concerning a Prisoner in the Goal at Annapolis under Sentence of Death. Which being prepared and approved is ordered to be entered as followeth.

By the House of Delegates 1st Nov. 1710

Upon Information to this House that there lies a Prisoner named Elizabeth Williams under Sentence of Death in her Majesty's Goal at Annapolis. And the House having considered the Nature of her Crime, in her Behalf humbly move the Honble Council to extend her Majesty's Grace and Favour to the said Prisoner and grant her a Pardon if to them it shall seem meet; which will Prevent a great Charge to the Province
Signed p Order Rich^d Dallam Cl. Ho. Del.

The foregoing Bill and Message sent to the Council by M^r Hudson, Cap^t Jowles, M^r Harris and M^r Pearce. They return and say they delivered the same

The Committee of Accounts enter the House and deliver M^r Speaker their Journal. Which being read in the House Ordered it be indorsed.

1st November 1710 Read & assented to by the House of Delegates. Signed p Order. Rich^d Dallam Cl. Ho. Del.

Sent up to the Honble Council by M^r Phillips M^r Hill and M^r Bradford. They return and say they delivered the same

Committee of Aggrievances enter the House and report it p. 278
as an Aggrievance that some of the Naval Officers of this Province charge different Fees for one and the same Services where the Law has settled no Fees for such Services by which Rule they may charge what they please especially where they meet with an ignorant Man in Trade.

Resolved it is an Aggrievance and referred till next Session of Assembly for their Consideration.

Ordered That the several Naval Officers and Collectors of this Province attend this House at their first Meeting the next Session of Assembly and lay before this House a true and

L. H. J. exact Table of all Fees they charge for every Thing done in
 Lib. 41. their several Offices that this House may consider thereof

The Attorney General's Memorial relating to Carnaby's Entry Bond. Read and Ordered Mr John Rousby attend this House the next Sessions and shew Cause why Mr Plater's Estate should not not be charged with the Duty of the Negroes imported by Carnaby and not accounted for by Mr Plater

Committee of Laws bring into the House several ingrossed Bills Viz^t

Ingrossed Bill reviving the Act prohibiting the Importation of Bread Beer &^{ta} Read and indorsed 1st November 1710
 Read and assented to by the House of Delegates

Signed p Order Rich^d Dallam Cl. Ho. Del.

Ingrossed Bill confirming the last Will and Testament of William Dixon Read and indorsed 1st Nov. 1710 Read and assented to by the House of Delegates. Signed p Order.
 Rich^d Dallam Cl. Ho. Del.

Ingrossed Bill reviving the Act for killing Wolves and Crows Read and indorsed 1st November 1710

Read and assented Read by the House of Delegates

Signed p Order Rich^d Dallam Cl. Ho. Del.

Ingrossed Bill for Naturalization of Christian Swormstead Read and indorsed 1st Nov. 1710

Read and assented to by the Majesty's House of Delegates.

Signed p Order R Dallam Cl. Ho. Del.

Ingrossed Bill impowering Trustees to sell and value Land in Dorchester County called Richardson's Choice formerly the Land of John Nicholls and by him sold to William Edmondson Read and indorsed 1st Nov. 1710 Read and assented to by the House of Delegates

Signed p Order Rich^d Dallam Cl. Ho. Del.

Ingrossed Bill continuing Queen Ann's County Court House at Queen's Town Read and indorsed 1st Nov. 1710 Read and assented to by the House of Delegates

Signed p Order R Dallam Cl. Ho. Del.

The Honble Samuel Young Charles Greenberry John Hall and William Whittington Esq^{rs} enter the House and deliver Mr Speaker the following Message

By her Majesty's Council in Assembly Nov. 1st 1710

L. H. J.
Lib. 41.
p. 279

This Board having had long and serious Consideration and Debate upon the House's Message relating to the Aggrievance offered by the Grand Jury and the redressing thereof some of us are of Opinion that the Enacting such a Law as desired would very much intrench upon her Majesty's Royal Prerogative in restraining her supreme Court of Common Law within this Province from taking Cognizance of Actions to be brought for the Sums proposed. But as to that Part of the Aggrievance relating to the suing of Drawers and Indorsers in separate Actions if your House can find any expedient to remedy it we shall heartily join with you

Signed p Order W Bladen Cl. Co.

Which being read and debated Resolved it be answered as followeth.

By the House of Delegates Nov^r 1st 1710

In Answer to your Message by M^r Young and three other Members of your Board this House do say that unless a Bill be brought this Session for restraining the Provincial Court's Jurisdiction their Meeting here has been only to burthen the Country; neither can they see wherein it will intrench upon her Majesty's Prerogative and are very sorry some particular Interests should obstruct a Bill so highly necessary for the Good and Welfare of the Province.

And have Resolved no other Expedient can relieve the Aggrievance. Neither can this House proceed on any other Business till such a Bill be assented to; and therefore pray your Honours Concurrence.

Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to the Honble Council by Major Gale, M^r Worthington, M^r Bowles, M^r Greenfield, M^r Pearce, M^r Harris, M^r Mariartee, M^r Hill, M^r Bordley, M^r Dare, M^r Mackall, M^r Crabb, M^r Storey, M^r Maxwell, M^r Philips, Col^o Lowe, M^r Ungle, M^r Eccleston, M^r Campbell, M^r Vanderheyden, M^r Tyler, M^r Bradford, M^r Salter and M^r Hemsley.

They return and say they delivered the same

The House adjourned till to Morrow Morning Nine O'Clock

Thursday 2nd Nov. 1710

The House met according to Adjournment. Being called were present as yesterday except M^r Hunt who had Leave to be absent, M^r Jowles sick, and M^r Greenfield with him

L. H. J. Read what was done Yesterday.
 Lib. 41. Bill for regulating Proceedings at Law Read and ordered
 to be indorsed

By the House of Delegates 2^d Novemb^r 1710

Read the first and second Times in the House and by
 especial Order will pass

Signed p Order Rich^d Dallam Cl. Ho. Del.

Ordered a Message be prepared to send to the Honble
 Council as followeth.

By the House of Delegates 2nd Nov. 1710.

The Bill herewith sent is by the House thought the only
 Expedient to redress the Aggrievances complained of and
 humbly offer the same to your Honours for your Perusal and
 hope when you have fully considered the Necessity thereof it
 will find a favourable Acceptance and Timely Concurrence
 that there may be a speedy and happy Conclusion of this
 Session Signed p Order Rich^d Dallam Cl. Ho. Del.

p. 280 The Bill and Message sent up to their Honours by Col^o
 Lowe, M^r Mariartee, M^r Salter, M^r Hemsley, M^r Hill, M^r
 Frisby, M^r Whittington, M^r Tyler, M^r Pearce, M^r Ringgold,
 M^r Paca and M^r Eccleston.

They return and say they delivered the Bill and Message.

The Committee appointed to inspect into the several Offices
 in the Stadt House enter the House and report as followeth

At a Conference appointed by the Honble the House of
 Delegates for to inspect into the several Offices and agree
 with a Workman to make some suitable Provision for the
 Preservation and safe-keeping the Records therein

Present The Honble M^r John Salter, M^r Philemon Hemsley,
 M^r Thomas Bordley Who make Choice of John Beard to be
 their Clerk and proceed to remark what they find necessary
 to be done in Order thereto Viz.

That there be a Table Desk set before the Window in the
 Assembly Office about three foot six Inches long and a Forme
 about the same Length and a Set of Pidgeon Holes on the left
 Hand going into the said Office as high as the Roof will allow
 of and the Breadth of the Room eased on the Back and with
 good folding Doors on the Front and on the right Hand going
 in two Rows of Pidgeon Holes, Eighteen Inches long nine
 Inches deep and nine Inches high the whole Breadth of the
 Room

In the Secretary's Office

L. H. J.
Lib. 41.

That there be a long reading Desk against the Partition from the Bar to the Wall for the Books to be layed on to be about three Foot high and about nine Inches wide upon a Square from the said Partition and twenty Inches decending Desk fashion and that there be about three Rows of Pidgeon Holes each Hole to be about nine Inches square above the said Desk and also that there be another such like Desk on the other Side of the said Office next the Wall (saving the Window Place)

And also that there be Pidgeon Holes above the said Desk as on the other Side and that underneath the Desk by the Partition there be a Shelf made with Partitions about eighteen Inches or two Foot asunder. That there be a Table about seven Foot long and two Foot and an half wide, and about two Foot Eight Inches high

In the Land Office

That there be a Desk against the Partition of the same Dimensions of that in the Secretary's Office only that it be the whole Length of the Room and that there be one Row of Pidgeon Holes of about twelve Inches wide and twelve Inches high and that there be a Bar made for that Office and a Table of the same Dimensions of that in the Secretary's Office and two Forms of about seven Foot long and a convenient Height

In the Comissary's Office

Desks round the Office with Shelves and Pidgeon Holes within the Bar (save Window Room) after the same Manner as against the Partition in Secretary's Office and that there be two Forms as in the Land Office.

For the two Committee Rooms a Table of ten Foot long p. 281 and two Formes of the same Length for each Room.

All which Tables are to be made with good substantial turned and a Row of turned Columns framed under each Book Desk to support them, and the whole Work to be generally well done and Workman like

And it is agreed by this Committee with M^r Cadwallader Edwards who is willing to undertake the same and find every thing That he be paid therefor by the Public as follows Viz^t

For the Assembly Office	£ 4.. 0. 0
For the Secretary's Office	8. 0. 0
For the Comissary's Office	7. 0. 0
For the Land Office	5. 0. 0
The two Committee Rooms	4. 0. 0
	<u>£ 28. 0. 0</u>

L. H. J. All which is agreed upon by the said Committee with the
 Lib. 41. said M^r Edwards and that he shall finish the same by the last
 Day of August next which is referred to the Consideration of
 the House for their Concurrence

Signed p Order John Beard Clk. Com.

Second November 1710 Read in the House and concurred
 to and Ordered Samuel Young Esq. publick Treasurer of the
 Western Shore with all convenient Speed pay M^r Edwards
 five Pounds in Part of the twenty Eight Pounds agreed for

Signed p Order Rich^d Dallam Cl. Ho. Del.

Col^o Holland, Samuel Young Esq. Col^o Greenberry and
 John Hall Esq from the Honble Council enter the House and
 deliver M^r Speaker the following Message and Bill for regulat-
 ing Proceedings at Law.

By the Council in Assembly November 2nd 1710

The Bill proposed for regulating Proceedings at Law and
 preventing Multiplicity of Actions in the Provincial Court of
 this Province has been read at this Board and we assure you
 we have very hearty Inclinations to relieve the unhappy State
 of poor distressed Debtors in this Province as much as in us
 lies; but being indispensibly tied to a strict Observance of
 her Majesty's Instructions we hope and desire you will not
 insist upon the Bill as now proposed from your House but that
 you will some other Ways as effectually provide a sufficient
 Remedy to the Aggrievance the County now lies under and
 as to the other Matters in your Bill proposed either refer till
 another Session or by a separte Law provide Redress thereto

Signed p Order W Bladen Cl. Con.

Upon reading the foregoing Message and the Bill proposed
 by the Council Ordered the Committee of Laws withdraw and
 draw a new Bill as near as can be to the Bill sent by the Council
 and the Bill proposed by this House.

Col^o Greenberry and John Hall Esq. from the Council enter
 the House and deliver M^r Speaker Bill confirming the last
 Will and Testament of Richard Bridges Indorsed By the
 Council in Assembly 1st Nov 1710 Read in Council the first
 and second Times and will pass W Bladen Cl. Con^l

p. 282 Bill for building Talbot County Court House Indorsed
 Eodem Die Read in Council the first and second Times and
 will pass W Bladen Cl. Co.

Bill continuing Saint Mary's County Court House at Seymour
Town Indorsed Eod. Die L. H. J.
Lib. 41.
Read and passed in Council W Bladen Cl. Council

The said Bills read again in the House and past for ingrossing
Bill for securing Persons Rights to Town Lands with the
Amendments proposed by the Council read in the House and
delivered to the Committee of Laws for Amendment Commit-
tee of Laws enter the House and deliver M^r Speaker Ingrossed
Bill for more speedy conveying publick Letters Read and
Ordered to be indorsed 2nd Nov. 1710 Read and assented to
by the House of Delegates

Signed p Order Rich^d Dallam Cl. Ho. Del.

All the ingrossed Bills sent to the Honble Council for their
Assent by Col^o Smith and M^r Salter. They return and say
they delivered the Bills

Samuel Young Esq enters the House and delivers M^r
Speaker the Journal of the Committee of Accounts for
Amendment

The Journal amended and sent to the Honble Council by
M^r Philips, M^r Hill, M^r Bradford and M^r Bordley with the
following Message.

By the House of Delegates 2nd November 1710

The House have appointed M^r Philips, M^r Hill, M^r Bradford
and M^r Bordley Members of this House to join in Committee
with some of the Members of her Majesty's Honble Council to
apportion the publick Levy and pray your Honours Con-
currence

Signed p Order Rich^d Dallam Cl. Ho. Del.

The Gentlemen return and say they delivered the Journal
and Message.

Upon reading M^r William Taylard's Petition recommended
from the Honble Council praying an Allowance for copying
the last Journals of the last Session sent for England

Resolved That the Petitioner was not obliged as he was
Clerk of this House to transcribe any Journals of this House
to go to England. But the Law obliges him to return one to
the Secretarys who is the proper Person to transcribe the
Journals and the Intent and Meaning of making that Act was
to ease the Country of paying for Copies: And that this House
Resolve That the Country ought not to be burthened with the
Charge but the Secretary ought to pay the Petitioner

The House adjourned till to Morrow Morning Nine O'Clock

L. H. J.
Lib. 41.Friday 3^d November 1710.

The House met according to Adjournment. Being called over were present as Yesterday; and M^r Greenfield appeared and informed the House M^r Jowles was still sick. Read what was done Yesterday.

Ordered Col^o Thomas Smithson publick Treasurer of the Eastern Shore pay to the Reverend M^r Robert Owen five Pounds Current Money allowed him by this House for his Expences in Town during his Attendance on this House this Session

The Honble Col^o Greenberry enters the House and delivers M^r Speaker the Journal of the Committee of Accounts assented to by the Honble Council, and the following Message.

p. 283 By the Council in Assembly 2nd November 1710.

We have appointed the Honble Col^o Greenberry and Col^o Whittington to join the Members of your House in apportioning the publick Levy.

Signed p Order W Bladen Cl. Council.

Ordered the Gentlemen appointed go out on their Committee to apportion the publick Levy

The Honble Samuel Young and John Hall Esquires enter the House and deliver M^r Speaker Col^o Ennalls and M^r Hicks Letter to the Honble President relating to some Complaints of the Nanticoke Indians against the English seating near their Town with the following Indorsment

By the Council in Assembly 2nd November 1710.

This Board conceiving it absolutely necessary that some Care should be taken to quiet the said Indians and remove their Aggrievances complained of recommend this Affair to your Consideration

Signed p Order W Bladen Cl. Council.

Which being read in the House it's Resolved That for the present quieting the said Indians M^r Thomas Hicks M^r John Hudson Major George Gale and M^r Samuel Worthington be and are appointed a Committee to treat with the Owners of the Land adjoining to the said Indians Settlement and to allow some Recompence if need require to Henry Freaks if he will remove himself Family and Stock from the Place and make Report of their Proceedings to this House next Session that

some further Care may be taken therein to prevent future Differences. L. H. J.
Lib. 41.

Bill relieving some Aggrievances Read and Indorsed By the House of Delegates 3^d November 1710 Read the first and second Times and by especial Order will pass.

Richard Dallam Clk. Ho. Del.

Ordered a Message be prepared and sent to the Honble Council with the Bill as followeth

By the House of Delegates 3^d November 1710

This House have considered the Message and Bill proposed by your Honours for relieving the Aggrievances complained of and rather than run into further Debates about it, (tho' they think the Bill proposed by this House came nearer the Matter) have so far conceded to your Honours Request, that they now hope all Obstacles are removed, and that nothing will any longer impede your Assent to the Bill herewith sent, but that the same will meet with quick Dispatch and confirm in us the good Inclinations you are pleased to declare you have to relieve the unhappy State of this poor distressed Province, which never wanted it more than now ; and as this House never had any Intent or Design to retrench her Majesty's Royal Prerogative, so they will, to their utmost, always support & maintain the same.

Signed p Order Richard Dallam Cl. Ho. Del.

The said Bill and Message sent up to the Honble Council by M^r Salter, M^r Hemsley, M^r Pearce, M^r Scott, M^r Dare, M^r Mariartee, M^r Jones, M^r Mackall, M^r Hudson, M^r Hammond, M^r Tyler and M^r Crabb.

They return and say they delivered the Bill & Message Bill securing Persons Rights to Town Lands Read with the Amendments & Indorsed

3^d November 1710 Read with Amendm^{ts} & will pass

Rich^d Dallam Cl. Ho. Del.

Sent up to the Honble Council by M^r Crabb and M^r Storey They return and say they delivered the Bill.

Ingrossed Bill for continuag Saint Mary's County Court p. 284
House at Shephard's Old Fields Read and Indorsed 3^d November 1710. Read and assented to by the House of Delegates.

Signed p Order Rich^d Dallam Cl. Ho. Del.

The two last ingrossed Bills sent to the Council by M^r Ungle and M^r Dare

They return and say they delivered the same.

L. H. J. The Honble Col^o Holland and John Hall Esq. enter the
Lib. 41. House and deliver M^r Speaker the eight ingrossed Bills sent
up to the Council Yesterday severally indorsed Nov^r 2nd 1710
Read and assented to by her Majesty's Honble Council and
Signed p Order W Bladen Cl. Con.

The following Message brought by Col^o Holland and M^r Hall

By the Council in Assembly Nov^r 3^d 1710

Gentlemen, We herewith send you Col^o Blackiston's Letter to us of the second of Jan^{ry} last and recommend to you the Necessity of our having an Agent in Great Britain to answer the Objections made against our Laws that upon every little Dissatisfaction to any particular Person, they may not meet the like Fate several of them lately had. And further we hope you will take it into your Consideration and make Allowance to Col^o Blackiston of his Salary agreed with him for to the Time you thought fit to give his Attorney of your Resolution not longer to continue him your Agent and not as yet allowed which is fifteen Months, there having been only three Years Salary allowed him as may appear by the Journals and must add that we are very sensible Col^o Blackiston is a Gent. as willing and capable to serve this Province as any whatever.

Signed p Order W Bladen Cl. Co.

Which being read in the House it's Resolved That since the Journal of the Committe of Accounts is closed and assented to by this House and the Council the Consideration of the Message be referred till next Session

The Petition of John Clements recommended from the Honble Council Read and the Consideration thereof referred till next Session of Assembly.

The Honble John Hall Esq. enters the House and delivers M^r Speaker the two ingrossed Bills sent to the Council this Day severally indorsed November 3^d 1710 Read and assented to by her Majesty's Honble Council, and Signed p Order

W Bladen Cl. Co.

Col^o Holland and Samuel Young Esq. enter the House and deliver M^r Speaker Bill for relieving some Aggrievances Indorsed

By the Council in Assembly Nov^r 3^d 1710

Read in Council the first and second Times and will pass here tho' we can have no reasonable Expectation but that it

will be disassented to at Home unless we had some fitting Person to speak to it there. L. H. J.
Lib. 41.

Signed p Order W Bladen Cl. Council.

Read again in the House and past for ingrossing
Bill ascertaining Allowance to Jurors and Evidences referred from last Sessions Read the first and second Times and will pass.

Sent up to the Council by M^r Hudson and M^r Storey. They return and say they delivered the Bill. Afterwards Col^o Greenfield entered the House and delivered M^r Speaker the same Bill with Reference till next Session.

Bill prohibiting Arrests by the Sheriff and Coroners of Ann Arundel County during the Continuance of several Courts. p. 285
Read and committed for Amendment

Bill amended and twice read. Ordered it be indorsed.

By the House of Delegates 3^d November 1710

Read the first and second Times and by especial Order will pass
Richard Dallam Cl. Ho. Del.

Sent up to the Honble Council by Col^o Smith, M^r Ungle M^r Scott, M^r Mariartee, M^r Tyler and M^r Storey. They return and say they delivered the Bill.

The Honble John Hall Esq. enters the House and delivers M^r Speaker Bill for reinvesting Seward's Heirs in a certain Tract of Land Indorsed

By the Council in Assembly November 3^d 1710

This Bill touching the Lord Baltimore's Property and others who have petitioned to be heard thereon, we being willing to hear the said Lord Baltimore's Agents as well as the Petitioners and the Session being near a Conclusion are desirous to refer it to the next Signed p Order W Bladen Cl. Council.

Which being read in the House, Resolved the House proceed no further on that Bill this Session but refer it for further Consideration next.

Bill for reviving the Act for Relief of Debtors and ascertaining the Manner of Tenders in Tobacco Read and Indorsed

By the House of Delegates 3^d November 1710

Read the first and second Times and by especial Order will pass.
Rich^d Dallam Cl. Ho. Del.

L. H. J. Ingrossed Bill for confirming Richard Bridge's Will. Read
Lib. 41. and Indorsed 3^d Nov. 1710

Read and assented to by her Majesty's Honble Council.
Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to the Council by M^r Harris and M^r Scott
They return and say they delivered the same.

The Honble Col^o Holland enters the House and delivers
M^r Speaker Bill for securing Persons Rights to Town Lands
Indorsed Eodem Die Read in Council and will pass with the
Clause added W Bladen Cl. Council.

The said Bill read again in the House and past for ingrossing
John Hall Esq^r enters the House and delivers M^r Speaker
Ingrossed Bill for confirming Richard Bridges Will Indorsed
Nov. 3^d 1710

Read and assented to by her Majesty's Honble Council and
Signed p Order W Bladen Cl. Council

Bill for reviving the Act for Relief of Debtors and ascer-
taining Tenders in Tobacco

Indorsed Eodem Die Read in Council and will pass
W Bladen Cl. Council.

The Bill again read in the House and past for ingrossing
The Honble Col^o Holland, Samuel Young and John Hall
Esq^{rs} from the Council enter the House and deliver M^r Speaker
Bill prohibiting Arrests &^{ta} Indorsed

By the Council in Assembly Nov. 3^d 1710

This Bill being read at the Board is not thought to be of
absolute Necessity at this Instant Wherefore we are not willing
to enter upon the Consideration of it this Session and there-
fore desire you will not now insist upon it but that it may be
referred to the next. Signed p Order W Bladen Cl. Co.

p. 286 Which being read in the House Resolved the Bill be again
sent with the Indorsm^t following.

By the House of Delegates 3^d November 1710

This House are of Opinion that the Aggrievances designed
to be remedied by this Bill ought not to be referred a speedy
Redress being wanting to relieve so great Oppressions we see

acted since our coming here and therefore press your Hon^{rs} L. H. J.
Consideration of the Bill that it may be assented to this Session Lib. 41.
Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up again to the Honble Council by Col^o Lowe, Major
Gale, M^r Mariartee, M^r Hemsley, M^r Bowles, M^r Tyler, M^r
Salter, M^r Wright, M^r Vanderheyden, M^r Dare, M^r Eccleston
and M^r Scott. They return and say they delivered the Bill
The House adjourned till to Morrow Morning 9 O'Clock

Saturday 4th November 1710

The House met according to Adjournment. Being called
over were present as Yesterday. Read what was done Yes-
terday.

Ordered Captain West and M^r Franklin have Leave to go
Home

Committee of Laws bring into the House ingrossed Bill
relieving some Aggrievances Col^o Holland, M^r Young and
M^r Greenfield enter the House and deliver M^r Speaker The
Bill to secure Persons from Arrests &^{ts} Indorsed in Council as
followeth Viz.

By the Council in Assembly Nov. 4th 1710

Gent: Since we so frankly acquainted you at the opening
the Session how far we were limited in passing Acts in the
Absence of a Governor in Chief we hope you will be inclined
not to press too far at this Time especially considering that the
Law for redressing Aggrievances agreed to this Session has
provided sufficiently against Persons being sued out of their
County Courts where they reside and inhabit which we think
sufficient to redress the present Evil intended to be remedied
by this Bill and assure you 'tis with great Regret we deny any
Thing offered from your House but having resolved not to
enter upon any extraordinary Matters wish you will speedily
endeavour the Conclusion of this Session.

Signed p Order W Bladen Cl. Co.

The said Bill read and indorsed Eodem Die
Read and referred till next Session.

Richard Dallam Cl. Ho. Del.

Bill for Sale of Talbot County old Court House &^{ts} Read
and Indorsed as follows Viz.

November 4th 1710 Read the first and second Times and
by especial Order will pass

Signed p Order W Bladen Cl Council

L. H. J. Sent up to the Council by M^r Ungle and M^r Robins. They
 Lib. 41. return and say they deliv^d the Bill. Ingrossed Bill securing
 Persons Rights to Town Lands Read and Indorsed Nov. 4th
 1710 Read and assented to by the House of Delegates
 Signed p Order Rich^d Dallam Cl. Ho. Del.

Ingrossed Bill reviving the Act for Relief of poor Debtors
 and ascertaining the Manner of Tenders in Tobacco Read and
 Indorsed as follow

4th Nov. 1710 Read and assented to by the House of Del-
 egates Signed p Order Rich^d Dallam Cl. Ho. Del.

Ingrossed Bill reviving some Aggrievances Read and In-
 dorsed Nov^r 4th 1710 Read and assented to by the House
 of Delegates Signed p Order Rich^d Dallam Cl. Ho. Del.

The foregoing three Bills were sent up to their Honours for
 their Assent by M^r Mackall M^r Mariartee and M^r Hudson, and
 M^r Storey.

They return & say they delivered the same
 p. 287 Col^o Holland, Col^o Greenberry, M^r Hall and Col^o Whitting-
 ton enter the House and deliver M^r Speaker the Bill for Sale
 of Talbot County Court House Indorsed Eodem Die Read in
 Council the first and second Times and will pass.
 Signed p Order W Bladen Cl. Co.

Read again in the House and past for ingrossing.
 Rich^d Dallam Cl. Ho. Del.

Also the same Gentl. brought with them the following
 Message.

By the Council in Assembly Nov. 4th 1710.

We should be much wanting to our Country if we did not
 once more recommend to you the absolute Necessity of having
 some capable and fit Person in London to represent our
 unhappy Circumstances and Attend the Lords of the Council
 of Trade and Plantations to offer the Reasons we have to sup-
 port the Laws we have Enacted this Session, for we are morally
 assured and convinced they will meet with great Opposition
 wherefore we think it advisable immediately to address their
 Lordships and offer our Reasons and the Necessity of the
 Law for remedying the Aggrievances now represented lest
 the many Opponents it is like to meet with should forestall us
 by prepossessing their Lordships with colourable Pretences of

Irregularities or Injustice and therefore heartily wish you would not omit to do what is so absolutely necessary for the Service of the Country which if you should we know not whom to write to that can or will be any Ways serviceable to us.

L. H. J.
Lib. 41.

Signed p Order W. Bladen Cl. Co.

Which being read Ordered it be answered as followeth

By the House of Delegates November 4th 1710

This House have considered your Message this Morning relating to having an Agent &^{ca} but since no Act has passed this Session wherein it can be prejudicial to Trade we can't think the Merchants will make any Interest against their being assented to and as for any Person in this Country doing it against the Act for relieving Aggrievances since your Honours don't think fit to let that Bill pass but for so short a Time as two Years, we presume it will expire before we can have any Notice of it's Assent and then our Money will be thrown away to no Purpose so can't concur with your Request to employ an Agent Signed p Order Richard Dallam Cl. Ho. Del.

Ingrossed Bill for Sale of Talbot County old Court House Read and indorsed 4th Nov. 1710 Read and assented to by the House of Delegates.

Signed p Order Rich^d Dallam Cl. Ho. Del.

The Message and Bill sent to the Council by M^r Worthington M^r Crabb, M^r Greenfield and M^r Paca. They return and say they delivered the same

The Honble Col^o Greenfield and M^r Hall enter the House and deliver M^r Speaker the following Message

By the Council in Assembly November 4th 1710

Gentl. We are sorry you cannot concur with our Request to employ an Agent and find by your Indifferency in supporting the Law for relieving Aggrievances you do not set so great a Value thereon as we imagined you did and the Consequence of that Law seems to deserve, or at least you have little Regard to what Censure may fall upon us for passing such an Act (tho' in itself just and reasonable and might be approved if backt by some discreet Person at Home) yet clashes with such Interests whose Study and Endeavours we may expect will not fail to oppose and defeat it

Signed p Order W Bladen Cl. Co.

L. H. J. Also ingrossed Bill for securing Persons Rights to Town
 Lib. 4^t, Lands Nov 4th 1710
 p. 288

Read and assented to by her Majesty's Honble Council and
 Signed p Order W. Bladen Cl. Co.

And ingrossed for Relief of Debtors and ascertaining
 Fenders in Tobacco Indorsed Nov 4th 1710

Read and assented to by her Majesty's Honble Council and
 Signed p Order W Bladen Cl. Co.

The Honble Samuel Young Esq. enters the House and
 delivers M^r Speaker ingrossed Bill for relieving some Aggriev-
 ances Indorsed Nov 4th 1710. Read and assented to by her
 Majesty's Honble Council and

Signed p Order W Bladen Cl. Co.

Ingrossed Bill for selling Talbot County old Court House
 Indorsed Nov. 4th 1710 Read and assented to by her Majesty's
 Honble Council and Signed p Order. W Bladen Cl. Co.

Bill for Payment and assessing the publick Levy Read and
 Indorsed. By the House of Delegates 4th Nov. 1710. Read
 the first and second Times and by especial Order will pass

Signed p order Richard Dallam Cl. Ho. Del.

Ordered M^r Mackall and M^r Paca carry the Bill to the
 Honble Council

They return and say they delivered the Bill Samuel Young
 Esq. enters the House and delivers M^r Speaker the following
 Message

By the Council in Assembly November 4th 1710

This Board finding there is already great Dissatisfaction
 shewn to the Bill for relieving Aggrievances are willing and
 desirous Philemon Lloyd Esq. Deputy Secretary of this Prov-
 ince may be heard thereto in your House before it is Enacted.

Signed p Order W Bladen Cl. Co.

M^r Secretary appeared in the House and it being so late
 that he could not have a Copy of the Bill he therefore was not
 willing to hinder the Conclusion of this Session but withdrew

Ordered the following Message be sent to the Council

By the House of Delegates 4th November 1710.

L. H. J.
Lib. 41.

Our Esteem for the Act for relieving some Aggrievances is still very great notwithstanding it's short Duration and we conceive that unless this Act had been past few Inhabitants would continue here and we think the Preamble of the Law sets forth the Necessity of the making of it which is to ease the Aggrievance and quiet the Minds of the Inhabitants of this Province which we hope will preserve your Honours from any Censures at Home for passing it. And the Shortness of Time for which that Act is made will discourage any Persons from making any Interest at Home for it's Repeal when her Majesty's Disapprobation if procured cannot probably arrive before the Expiration of it and therefore we conceive the seeing an Agent to speak to it an unnecessary Charge

Signed p Order Richard Dallam Cl. Ho. Del.

Sent up to the Council by Major Gale, M^r Bowles and M^r Wright

They return and say they delivered the Message.

The House proceeds to tax the Fees for private Bills past this Session

Bill confirming William Dixon's Will to be paid by Peter Harwood

To the Honble Speaker. £ 5.. 0 .. 0

To Rich^d Dallam Clk of this House. 2.. 10.. 0

Bill for Naturalization of Christian Swormstead.

To the Honble Speaker. 1.. 0 .. 0

To the Clerk of this House. —. 10.. 0

Bill for selling John Nichols Land.

To the Honble Speaker, nothing 0.. 0 .. 0

To the Clerk for drawing the Bill. 1.. 10.. 0

Bill for continuing Queen Ann's County Court House.

To the Honble Speaker. 1000

To the Clerk. 500

Bill for building Talbot County Court House }
and selling the old Court House and Prison }

To the Honble Speaker. 1000

To the Clerk 600

Bill for confirming Richard Brigges Will.

To the Honble Speaker. £ s. d.
0. 9.. 0

To the Clerk. 0.. 4.. 6

Col^o Greenberry from the Council enters the House and delivers M^r Speaker Bill for Payment and Assessment of the Publick Levy Indorsed Nov^r 4th 1710. Read in Council the first and second Times. W Bladen Cl. Council.

L. H. J. Eod. Die Read in the House and past for ingrossing.
Lib. 41. Richard Dallam Clk. Ho. Del.

Ingrossed Bill for Payment and Assessment of the publick Levy Read and indorsed. By the House of Delegates 4th Nov. 1710. Read and assented to by the House of Delegates
Signed p Order Rich^d Dallam Cl. Ho. Del.

Sent up to the Honble Council by Col^o Lowe and M^r Hemsley.

They return and say they delivered the Bill.

The Honble Col^o Greenberry, John Hall and Col^o Whittington enter the House and deliver M^r Speaker Ingrossed Bill for Payment and Assessment of the publick Levy Indorsed
Nov 4th 1710 Read and assented to by her Majesty's Honble Council.
Signed p Order W Bladen Cl. Council.

And the following Message

By the Council in Assembly Nov. 4th 1710

We cannot but once more express our extream Dissatisfaction that you will not be convinced of the absolute Necessity of appointing an Agent were it but for one year and must tell you that unless you do so we are very unwilling to adventure upon giving our Assents on her Majesty's Behalf to the Act for relieving Aggrievances.

Signed p Order W Bladen Cl. Co.

Which being read in the House Ordered it be answered as follow.

By the House of Delegates 4th Nov. 1710

We can on no Account agree with your Honours employing an Agent and tho' it be now late we are willing to wait your Honours Commands to compleat this Session which if fruitless we know on whose Occasion and can justify ourselves to those that sent us here and admire we should be so trifled with after the Consent of both Houses to the Bill for relieving some Aggrievances and is the first President of this Nature ever offered to this House which we cannot but highly resent.

Signed p Order Richard Dallam Cl. Ho. Del.

Sent up to the Council by M^r Hemsley, M^r Salter, M^r Tyler, M^r Paca, M^r Gale, M^r Frisby, M^r Skinner, M^r Scott, M^r Mackall, M^r Harris, M^r Bowles and M^r Ungle.

They return and say they delivered their Message.
 The Honble Col^o Greenberry and Col^o Whittington enter
 the House and deliver M^r Speaker the following Message.

L. H. J.
 Lib. 41.

By the Honble her Majesty's President and Council
 in Assembly November 4th 1710.

In Reply to your Message by M^r Hemsley and eleven others
 since we see you will not be convinced what we have so
 earnestly recommended is so truly for the Service of the
 Province we must be content to desist from importuning you
 to serve yourselves and Country & therefore will M^r Speaker
 and your House to attend us in the Council Chamber in Order
 to compleat the Session Signed p Order W Bladen Cl. Co.

Whereupon the House adjourned to the Council Chamber
 and M^r Speaker carryed with him the following ingrossed Bills.

- 1 Bill for relieving some Aggrievances &^{ta}
2. Bill for reviving the Act directing the Sheriff's Office
 and more easy Payment of the publick and County Levy
- 3 Bill confirming the last Will and Testament of William
 Dixon
4. Bill reviving the Act for killing Wolves and Crows.
5. Bill for Naturalization of Christian Swarmstead
6. Bill empowering Trustees to sell Land in Dorchester
 County formerly sold by John Nicholls to William Edmondson
7. Bill continuing Queen Ann's County Court House at
 Queen's Town.
- 8 Bill for more speedy conveying publick Letters
- 9 Bill continuing Saint Mary's County Court House at
 Seymour Town
10. Bill for building Talbot County Court House
11. Bill confirming Richard Brigges Will
12. Bill securing Persons Rights to Town Lands
13. Bill reviving the Act for Relief of poor Debtors and
 ascertaining the Manner of Tenders in Tobacco
14. Bill reviving the Act prohibiting the Importation of
 Bread Beer &^{ta}
15. Bill for Sale of Talbot County old Court House and
 Prison
16. Bill for Payment and Assessment of the publick Levy.

M^r Speaker and the Members appear in the Council Cham-
 ber where M^r Speaker was pleased to deliver to the Honble
 President the aforementioned Bills who by and with the Advice
 and Consent of her most Sacred Majesty's Council here En-
 acted them into Laws by sealing them with the Great Seal of
 the Province and indorsing them severally as followeth.

L. H. J. On Behalf of her Most Sacred Majesty Queen Anne of
 Lib. 41. Great Britain &^{ta} we will this be a Law.

Edward Lloyd, President	Thomas Greenfield
William Holland	Charles Greenberry
Robert Quarry	John Hall
Samuel Young	William Whittington

After which the Honble President was pleased to declare that with the Advice of her Majesty's Council he thought fit to prorogue this present General Assembly untill the twenty Eighth Day of March next.

Thereupon M^r Speaker and the Rest of the Members returned to their House M^r Speaker took the Chair and declared to the House till what Time the Honble Council were pleased to prorogue this present General Assembly

And the House prorogued themselves to the same 28th Day of March next.

So ended this third Session of Assembly on the fourth Day of November 1710 in the ninth Year of her Most Sacred Majesty's Reign &^{ta}

The Honble Edw^d Lloyd Esq^r President of her Majesty's Honble Council.

The Honble Robert Bradley Esq^r Speaker of the House of Delegates

Test: Richard Dallam Cl. Ho. Del.

ACTS.

Maryland ss. Att a Session of Assembly Begun and held Lib. L. L.
No. 64.
p. 397
at the City of Annapolis in the County of Ann Arundell the
Twenty fourth Day of October in the ninth year of the Reigne
of our Sovereigne Lady Anne Queen of Great Brittain ffrance
and Ireland and the Dominions and Territorys thereto belong-
ing Defender of the ffaith &c. Annoque Dom One Thousand
Seaven hundred and Ten. The hon^{ble} Edward Lloyd Esq^r being
President of her Maj^{ty}s Councill of the Province aforesaid
Were Enacted the Laws following

An Act Releiveing the Inhabitants of this Province from some
agreviances they Lie under.

Whereas dureing this Long and Tedious (though Glorious
and Successfull) warr her Majestyes Good Subjects of this
province have Greatly suffered and many of them have been
utterly Ruined not only by Losses at Sea of their Tobaccoes
which is their only Staple manufacture being taken by the
Enemy but also by the European Marketts being Shutt up by
Reason of the Export to Spaine & France in Great Measure
wholly Prohibited so that very many honest and Industrious
Planters her Maj^{ty}s Subjects here by the very Charge of neces-
sary Cloathing and Tooles for themselves and families are
become Vastly Indebted and no prospect as yet appearing by
what meanes in any Reasonable time to Extricate themselves
out of their Miserable and Deplorable Circumstances which
are yet very much heightened and agravated by their being
sued and brought up to Annapolis from the remotest parts of
this province to their Manifest oppression and Impoverishment
so that many of the Good Inhabitants of this province Dayly
desert their habitations and Remove themselves to plantations
and Colonys where they are farr Less serviceable to her most
Sacred Maj^{ty} and Her Revenue of Customes of tob^o and others
Leave their abodes and skulk in the woods or otherwise Ride
Armed wth Designe to Resist the officers of Justice whereby
the happy peace and Tranquility of this province seems to be
Greatly Endangered all which Loudly Calls for some speedy
proper Remedy to be applyed thereto

Wherefore this present Generall Assembly humbly suppli-
cate her most Sacred Maj^{ty} that it may be Enacted.

And be it enacted by the Queens most Excellent Maj^{ty} by
and wth the Advice and Consent of her Maj^{ty}s Councill and

Lib. L. L. Assembly of this province and the authority of the same that
 No. 64. from and after the End of this present Session of Assembly
 p. 398 all persons whatsoever resideing negotiateing or tradeing to
 or within this province haveing any person all Claime or
 demand against any the Inhabitants of this province wherein
 the originall or principall debt or damage do not Exceed the
 Vallue of twenty pounds Sterling or five thousand pounds of
 tobacco shall by Virtue of this Act be obliged to sue and Im-
 plead their Severall and respective Debtors in the severall and
 Respective County Courts where such their Debtors do
 Inhabitt and Reside and not Elsewhere on Penalty of Suffering
 a non suite and paying the Defendant his Reasonable Charge
 to be adjudged by the Justices of any other Court wherein
 they shall be sued or Impleaded any Law Statute usage or
 Custome to the Contrary notwithstanding.

And be it fflurther Enacted by the authority af^d that where
 any Debt or Damage is Demanded by Vertue of any bond
 or wrighting obligatory the Penalty of such bond shall not
 although it Exceed twenty pounds in Money or five thousand
 pounds of Tob^o Intitle any plaintiff to bring his action in any
 Court but the County Courts unless the real sume due in the
 Condition of such bond amounts to twenty pounds in money
 or five thousand pounds of Tobacco anything in this Act or
 any other statute Law Custome or Vsage to the Contrary
 Notwithstanding.

And be it Further Enacted by the Authority advice and
 Consent af^d that from and after the End of this present Session
 of Assembly if the Drawer or Endorser of any bill of Exchange
 shall be sued or prosecuted in any Court of this province for
 any Summe of money due upon any protested bill of Ex-
 change the attorneys prosecuteing or defending any action
 thereupon shall not Exact Demand receive or take any more
 than one Lawfull fee according to the directions of this Act
 for prosecuteing or defending any action upon any one pro-
 tested bill notwithstanding there be two or more Endorsers
 and the Drawer sued and prosecuted and that it shall and
 may be lawfull to and for the Plaintiffs many actions to be
 brought on any protested bill to put into one writt two or
 more defendants resideing in one County if Occasion shall
 require and shall not pay for the same any other fee or Reward
 than for one writt and shall and may at his Election declare
 against such defendants Either Joyntly or Severally as he shall
 think fitt any Law Statute usage or Custome to the Contrary
 notwithstanding.

And be it fflurther Enacted by and with the authority advice
 and Consent af^d that from and after the End of this present
 Sessions of Assembly it shall and may be Lawfull to and for

the attorneys practicing in the County Courts of this province to have demand & Receive as a fee for any Action by them brought in such Court where the debt or damages Exceeds two thousand pounds of Tobacco or ten pounds in money, the sum of two hundred pounds of Tobacco to be recovered according to the Directions of the act for Limitting attorneys fees the same Act or any other Law, Statute usage, or Custome, to the Contrary Notwithstanding. Lib, L. L.
No. 64.

And be it further Enacted by the authority advice and Consent af^d that it shall and may be Lawfull to and for the Defendant in any writt Issued or to be Issued out of the Prov^l Court after arrest and before returne of such writt to go before the president or any other two Justices of the County Court where he shall be arrested with two sufficient ffreeholders of this province and then and there Give Speciall Bayle to any action by Vertue of such writt which bayle so taken shall be Delivered to the Sherr. of such County where the same is taken to be by him Returned (with such writt) to the prov^l Court which bayle so taken and returned to the Prov^l Court with such writt shall be as Sufficient as if taken before the President of the County Court after the return of the writt according to the Direction of the Act of Assembly for takeing Speciall bayle in the County's any thing in the said Act or any other Law, Statute use or Custome to the Contrary notwithstanding. p. 399

This Act to Continue two years and to the End of the next Sessions of Assembly after the said two Years.

4th Nov^r 1710.

Nov^r 4th 1710.

Read & assented to by the house of Delegates. Signed p ord ^r Rich ^d Dallam Cl: ho: Del.	}	Read and assented to by her Maj ^{ty} s hon ^{ble} Councill & Signed p ord ^r W Bladen Clk: Councill.
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Nov^r 4th 1710

On the behalf of her most Sacred Maj^{ty} Queen Anne of Great Brittain &c. Wee will this be a Law.

Edw ^d Lloyd Pres ^d W ^m Holland Robert Quarry Sam ^l Young	}	Thomas Greenfield Cha: Greenberry Jn ^o Hall W ^m Whittington
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Lib. L. 1. An Act for the more Speedy Conveying of Publick Letters
 No. 64. and Packquetts of this province and defraying the Charge
 thereof and for Repealing a former Law of this province
 Entituled an Act for the more Speedy Conveying Publick
 Letters and Pacquetts of this province & defraying the
 Charge thereof.

Forasmuch as Severall of the Inhabitants of this province
 have been formerly Subject to Great and manifest Inconve-
 niences by pressing of horses (under pretext of Carrying and
 Conveying publick Letters and packetts) for prevention
 whereof and that due Care may be taken for the future that all
 Publick Letters and Pacquetts for her Maj^{ty} or publick Service
 of this province be securely and Expeditionly Conveyed
 according to their Directions, The Delegates of this Present
 Generall Assembly do pray that it may be Enacted.

And be it Enacted by the Queen's most Excellent Maj^{ty} by
 and with the advice and Consent of her Maj^{ty}s Councill and
 Assembly of this province and the authority of the same that
 the Sherr of Each Respective County is hereby Enjoynd and
 Commanded to take Care of all publick Letters and Expedi-
 tionly to Convey them according to their respective directions
 to the next Sherr or under Sherr of the next adjacent County
 and for the Encouragement of the severall and respective
 Sherriffs and their Diligence in Conveying such Publick Letters
 and packetts that they may be allowed the severall sums
 hereafter Expressed to be Laid in the Publick Levy of this
 province (that is to say) to the Sher of Ann Arundell County
 fifteen hundred pounds of tobacco who is hereby oblidge to
 Convey all such Publick Letters and Pacquetts as are Directed
 and must Go over to the Eastern shore to Kent Island and
 there to be delivered to the sher. of Queen Ann's County
 p. 400 or his Deputy, To the sherriffe of Queen Anns County fourteen
 hundred pounds of tobacco who is hereby also obliged to
 Convey all such Letters and Pacquetts as are directed to the
 Citty of Annapolis to the said Citty To the sherr of Cecill
 County one thousand pounds of tob^o who is also oblidge to
 Convey all such Letters and Pacquetts as are directed to the
 northward, to the towne of new Castle upon D'Laware to the
 sherr of Talbot County Eight hundred pounds of Tob^o to the
 sher of Kent County Six hundred pounds of tobacco, to the
 sher of Dorchester County Six hundred pounds of tobacco,
 and to the sher of Somerset County Six hund^d pounds of
 Tobacco; To the sher of Calv^t County Eight hundred pounds
 of tobacco, to the sher of Charles County Eight hundred
 pounds of Tob^o to the Sherr of S^t Maries County Eight hun-
 dred pounds of tob^o to the sher of Prince Georges County Six
 hundred pounds of tobacco and to the Sher of Baltemore

County six hundred pounds of Tobacco w^{ch} said severall and Respective Sums of Tobacco shall be annually allowed and paid to the sherriffs af^d in Consideration whereof the sherriffs of the said severall and Respective Countys shall defray all such Charges as shall accrue by reason of Conveying such Letters or Pacquetts any former Law usage or Custome to the Contrary notwithstanding. And be it further Enacted by the authority af^d that any Sherr under Sherriffe or Deputy that shall neglect or delay the Speedy Conveying of any such Letters or Pacquetts shall forfeit and pay for Every such offence the sum of two thousand pounds of Tobacco one half to the Informer or him or them that will sue for the same and the other half to be Employed for the Defraying the County Charge where any such neglect shall happen to be Recovered in any of her Maj^{ty}s Courts of Record within this province by action of Debt wherein no Essoyne protection or Wager of Law shall be allowed. And be it further Enacted by the authority af^d that such publick Letters & Pacquetts be Endorsed for her Maj^{ty}s Service and wth the persons name that send them & if any person or persons whatsoever shall at any time after the publication of this Act presume to Endorse any Letter or Letters Pacquett or pacquetts so as af^d w^{ch} are not for the publick service he or they shall forfeit and pay for such offence five hundred pounds of tobacco to be recovered in manner af^d And the better to ascertain what Letters shall be accounted Publick Letters.

Be it Enacted by the authority advice and Consent af^d that all Publick Letters directed to the Governour of this province for the time being Endorsed for Maj^{ty}s Service and all Letters sent by the Governour haveing his or the Clerk of the Councill's name Endorsed, and for her Maj^{ty}s Service directed to any person whatsoever and all Letters sent by any member of her Maj^{ty}s Councill wth the subscribers name Endorsed and for her Maj^{ty}s service all Letters sent by a Justice of the Prov^l Court with the Subscribers name Endorsed and for her Maj^{ty}s Service and all Letters sent by the publick Treasurer's of Each shore to any Navall officer with the subscribers name Endorsed, and for her Maj^{ty}s Service shall be accounted only Publick Letters this act to Endure for three yeares and to the End of the session of Assembly which shall first Happen after the End of the three yeares. And be it further Enacted that one Act of Assembly of this province made at a Generall Assembly held at the Port and Town of Annapolis the twenty sixth day of Aprill in the year of our Lord one thousand seven hundred and foure Entituled an Act for the more Speedy Conveying of Publick Letters and Pacquetts of this province and Defraying the Charge thereof and Every Article matter or Clause and

Lib. L. L.
No. 64.

Lib. L. L. thing therein Contained shall be and is hereby utterly repealed
No. 64. and made Void.

2^d Nov^r 1710.

Read & assented to by
the house of Del. Signed
p^o ord^r

Rich^d Dallam Cl. Ho: Del.

Nov^r 2^d 1710.

Read & assented to by her
Maj^{ty}s hon^{ble} Councill & Signed
p^o ord^r

W Bladen Clk. Council.

Nov^r 4th 1710. On the behalf of her most Sacred Maj^{ty}
Queen Anne of Great Britt^e &c We will this be a Law.

Edw^d Lloyd Presid^t W^m Holland, Rob^t Quarry, Sam^l Young,
Thomas Greenfield, Ch^a Greenberry, Jn^o Hall. W^m Whittington

An Act for secureing persons Rights to Town Lands.

Whereas it is Represented to this present Generall Assem-
bly that severall of the Inhabitants of this province and others
that have taken up Severall Lotts in Severall Town Lands
Laid out & Surveyed for Towns according to the Directions
of Severall Laws of this province Lately made (that is to say)
one Act of Assembly made at a Generall Assembly begun and
held at the Port of Annapolis the second Day of Aprill in the
Yeare of our Lord one thousand seven hundred and six Enti-
tuled an act for advancem^t of Trade and Erecting Ports and
Townes within this province of Maryland one other Act made
at a Generall Assembly begun & held at the Port of Annapolis
the fifteenth day of Aprill one thousand seven hundred and
Seven Entituled a Supplementary Act to the Act for advancem^t
of trade and Erecting Ports & Towns, and one other Act made
at a Gen^l Assembly of this province held at the Port of
Annap^o the Twenty ninth Day of Nov^r in the yeare of our
Lord one thousand Seven hundred & Eight Entituled an
additional Act to the Supplementary Act for advancem^t of
trade & Erecting Ports and towns within this province and for
the sale of some Publick Lands and buildings in the Town of
St. Maries in St Maries County as by the severall acts of As-
sembly a^d Remaining on Record in the secretarys office may
appeare Relying and Depending on the Benefitts and previ-
ledges in the said Laws Granted did Enter and build upon
such Lotts according to the directions of the said Laws.

Be it therefore Enacted by the Queens most Excellent Maj^{ty}
by and wth the advice and Consent of her Maj^{ty}s Councill and
Assembly of this province and the authority of the same that
all and Every person and persons (that Dureing the Continu-
ance of the before menconed Laws) did take up a Lot and

thereon build according to the Dimensions prescribed by the said Laws or any of them in any Town Land, Laid out, and allotted for a Towne by the former Laws, or any of them their Heires and assignes shall have hold and Enjoy a good sure and Indefeasable Estate of Inheritance in fee simple of in and to such Lott and Lotts so taken up and built upon as af^d Provided that where the owner of any Tract of Land Laid out for a towne by any of the af^d Acts is unpaid for any Lott taken up and built upon according to the Directions of the said Law such Owner may (after Request made) have an action of Debt for the Vallue of such Lott according to the Valluation of the Comissioners or Jurors Impowered to Vallue the same by such former Law against any Taker up or owner of any such Lott or Lotts that hath not paid for the same his heires Ex^{rs} or adm^{rs} in any of her Maj^{ty}s Courts of Record within this province that Can hold plea of the same. Lib. L. L.
No. 64.

Provided further that this Act nor any thing therein Contained shall Extend or be Construed to Extend to prejudice the Right of Richard Bennet Esq^r to such part of the Land Layd out for a Town in Worton Creek in Kent County whereon his houses orchards & Improvements were at the time of Laying out of that Towne. p. 402

And Be it ffurther Enacted by the authority advice and Consent af^d that where any person or persons whatsoever have taken up any Lot or Lotts by Vertue of the before Recited acts of Assembly since the first day of Aug^r one thousand seven hundred & nine, and paid for the same to the owner but not built thereon being discouraged by her Maj^{ty}s Disallowance of the said Acts, shall and may (by Virtue of this Act) have the money or tobacco repaid him or them by the person or persons that Received the same their Ex^{rs} or adm^{rs} and for non payment (after Demand made) to Recover and sue for the same in any Court that may hold plea thereof. And be it ffurther Enacted by the authority af^d that all and Every Lot or Lotts parcell or portion of Ground assigned to the use of any Comunity and paid for and built upon according to the directions of any the af^d acts before her Maj^{ty}s Disallowance to the said acts was notified shall remain to such Comunity for whose use it was built, her Maj^{ty}s Disallowance of the said acts afterwards notwithstanding.

And Whereas sundry persons have taken up Lotts in Divers Townes of this province and have begun to build so that they have Erected fframes though not Quite ffinished, their houses according to the Directions of the af^d Town Laws. Be it Enacted by the authority af^d by and with the advice and Consent af^d that all such persons who have taken up Lotts and Erected fframes in such Townes shall have and Enjoy a sure and

Lib. L. L. Indefeazable Estate of Inheritance to them and their heires in
 No. 64. such Lotts so Improved upon notwthstanding they have not
 Complied wth the Exact prescriptions and directions of the
 af^d Town Laws

4th Nov^r 1710.

Read and Assented to by
 the house of Del. Signed
 p ord^r
 Rich^d Dallam Cl: Ho: Del

Nov^r 4th 1710

Read and Assented to by her
 Maj^{ty}s hon^{ble} Council & Signed
 p ord^r
 W Bladen Cl Counl.

Nov^r 4th 1710 On the behalf of her most Sacred Maj^{ty} Queen
 Anne of Great Brittⁿ &c. We will this be a Law.

Edw^d Lloyd Presid^t W^m Holland, Rob^t Quary, Sam^l Young,
 Tho: Greenfield, Chⁿ Greenberry, Jn^o Hall, W^m Whittington

An Act Impowering Certaine Trustees to sell and Vallue a
 Certain tract of Land Lying in Dorchester County Called
 Richardsons Choice formerly the Land of John Nicholls and
 by him sold to W^m Edmondson.

Whereas William Edmondson in his Life time purchased of
 and from the said John Nicholls in his Life time for a Valluable
 Consideration a Tract of Land Lying in Dorchester County
 called Richardsons Choice but forasmuch as the Consider^a
 thereof was not fully Satisfied and paid unto the said Nicholls
 at an Assembly begun and held at the Port of Annapolis in
 Aun^l County the fifteenth day of May in the Yeare of our Lord
 one thousand seven hundred and five an Act of Assembly
 was made Impowering Major Nicholas Low Executor of the
 Last will and Testam^t of the said W^m Edmondson to sell the
 same for paym^t of the rem^s part of the said purchase to the
 said John Nicholls as in & by the same act may appeare and
 Whereas the said Land for want of Byers or being held at
 two high a Vallue still rem^s unsold as by the petition of Isaac
 & Jn^o Nicholl's sons and Ex^{ts} of the Last will and Testam^t of
 the said John Nicholls manifestly Appeares whereby there
 remaines still due to be paid to the said Isaac and Jn^o Nicholls
 Ex^{ts} of the said John Nicholls, of the said first purchase the
 sum of seven thousand five hundred & sixty five pounds of tob^o
 Wherefore they humbly suplicated this present Generall
 Assembly that some other persons might be appointed to sell
 the said Land and dispose of the mony or tobacco arising by
 the sale thereof to and for the Uses Intents and purposes in
 the said recited act Contayned, it is therefore prayed that it
 may be Enacted. And be it Enacted by the Queens most

Excellent Maj^{ty} by & with the advice and Consent of her Maj^{ties} Council and Assembly of this province and the authority of the same that Master Hugh Ecclestone Master Walter Campbell Master Jn^o Hudson Master Henry Ennalls and Master Govert Lockerman or any two of them shall be and by this act are authorized Impowered and Required with all Convenient Speed, to sell & Convey the said Land to the best purchasor or purchasors or him or them that will give most for the same, and shall be and are hereby Enabled to make to such purchasor or purchasors and their heires a good sure perfect pure and absolute Estate in ffee simple, of and in the said Land and in Case no purchasor shall be found within the space of six months after the End of this present Session of Assembly, that then they the said Hugh Ecclestone, Walter Campbell, John Hudson Henry Ennalls and Govert Lockerman, or any two of them do Vallue the said Land according to the true and Reale Vallue thereof, in their Judgm^{ts} and what Tobacco or mony the same shall upon such Vallueation appeare to be worth after paym^t of the said Remaining Sume of Seven thousand five hundred and Sixty five pounds of Tobacco to the said Isaac and Jn^o Nicholls Ex^{ts} as af^d to pay or Cause to be paid to Co^{ll} Nicholas Lowe Executor of the Last will and testament of the said W^m Edmondson to and for the uses Intents & pnrposes by the said Recited Act appointed. And that upon payment thereof to the said Nicholas Lowe as af^d he the said Nicholas Lowe shall give unto them a good & sufficient receipt for the same which receipt being duly Recorded in Dorchester County Court shall be a Sufficient Defeazance to any Deed or Deeds Conveyance or Conveyances made to the s^d W^m Edmondson by the said Jn^o Nicholls Deced and shall to all Intents & purposes make Void and Disannull the same and that by Virtue of such Receipt and payment and the recording thereof as af^d and of this Act the said Land shall revert to and vest & settle in the said Isaac and John Nicholls and their heires in as full and Ample Manner to all Intents and purposes as if no Conveyance or Sale thereof had Ever been Made by the said John Nicholls Deceased to the said W^m Edmondson any Law usage or Custome or the said Sale or Conveyance or anything therein Contained to the Contrary notwithstanding.

Lib. L. L.
No. 64.
p. 403

1^o Nov^r 1710.

Nov^r 2^d 1710.

Read and assented to by the house of Deleg ^a Signed p ord ^r	}	Read and assented to by her Maj ^{ties} hon ^{ble} Council & Signed p ord ^r
Rich ^d Dallam Clk: Ho: Del:		W Bladen Cl Council

Lib. L. L.
No. 64.

Nov^r 4th 1710 On the behalf of her most Sacred Maj^{ty}
Queen Anne of Great Brittain &c^a Wee will this be a Law.
Edw^d Lloyd Presid^t W^m Holland, Rob^t Quarry, Sam^l Young
Thomas Greenfield, Ch^a Greenberry, Jn^o Hall, W^m Whittington.

An Act for the building a Court house for Talbot County at
Armstrongs old ffildes near Pitts Bridge.

Whereas the Inhabitants of Talbot County have Complained
of the great Inconveniency of holding the County Court of the
said County at Oxford and have Generally desired the same
to be held at some place near the head of tread haven Creeke
being nearest the Centre of the County. Be it therefore En-
acted by the Queens most Excellent Maj^{ty} by and wth the
advice and Consent of her Maj^{ty}s Councill and Assembly of
this Province and the authority of the same that the Justices
of Talbot County Court or the Major part of them are hereby
authorized and Empowered on or before the tenth day of
Aprill next after this Session of Assembly to Go to some place
at or neare a bridge Called Pitts Bridge at the head of Tread-
haven Creek on Philemon Armstrongs Land and there make
Choice of two acres of Land whereon to build a Court house
and to agree with the owners of such Land for the purchase
Thereof forever, and in Case the owner of such Land refuse
to make Sale of the said two acres or be under any disability
of makeing Sale, then the said Justices or the Major part of
them shall and are by Virtue of this Act authorized Impowered
and required to Issue out warr^{ts} to the sher. of the said County
to Impanell and returne a Jury of the most Substantiall ffree-
holders Inhabitants within the said County to be and appeare
before the said Commissioners at a Certⁿ Day to be by the
said Justices Limited w^{ch} Jury upon their oaths to be to them
administred by the said Justices or Major Part of them shall
Enquire assess & returne what Damages and Recompence they
shall think fitt to be awarded to the Owner of the said two Acres
of Land and all persons Interested therein & what sume of To-
bacco the said Jury shall adjudge the said Land to be worth shall
be paid to the owner and all persons Interested therein by the
Sherriff of the said County, and the said Justices or Major Parte
of them are hereby authorized and Impowered to treat & agree
with undertakers and workmen, and to Doe other matters that
shall be necessary for building and finishing the said Court house.
Provided in the whole they do not Lay out and Expend in
Purchaseing the said two acres of Land af^d nor in building and
finishing the said Court house above the sum of one hundred
and twenty thousand pounds of Tobacco of w^{ch} about Eighty
thousand pounds of Tobacco already Levyed and Lodged in

the hands of Dan^{ll} Sherwood Late Sherr. of the said County shall be Deemed part and the said Justices or the Major part of them are by this act Impowered and Required to Levy what Tobacco above the said sum of the af^d Eighty thousand pounds of tobacco shall be necessary on the Inhabitants Taxables in the said County not Exceeding forty thousand pounds of Tobacco above the af^d Eighty thousand pounds of Tobacco any former act Law Usage or Custome to the Contrary notwithstanding.

Lib. L. L.
No. 64.

3^d Nov^r 1710.

Nov^r 3^d 1710.

Read and assented to by the house of Del ^e Signed p ord ^r	}	Read and assented to by her Maj ^{ty} s hon ^{ble} Council & Signed p ord ^r
Rich ^d Dallam Cl: Ho: Del:		W Bladen Cl Council.

Nov^r 4th 1710.

On the behalf of her Most Sacred Maj^{ty} Queen Anne of Great Britte &c^a We will this be a Law.

Edw^d Lloyd Presid^t W^m Holland, Rob^t Quarry, Sam^l Young
Thomas Greenfield, Ch^a Greenberry, Jn^o Hall, W^m Whittington.

An Act for Continueing S^t Maries County Court at the New Court house Built at Seymour Towne otherwise Sheppard's old ffields.

Whereas by a Cert^a Act of the Generall Assembly of this province Entituled an Act for the Division and Regulateing of severall County's within this province and Constituteing a County by the name of Prince Georges County within the same Province made at a Session of Assembly held at the Port of Annapolis the Eighth day of May one thousand six hundred ninety and five among other things therein Contained it was Enacted that the place for holding the County Court of Saint Maryes should forever thereafter be at the City of Saint Mary's in the State house of the said City there formerly built at the Cost & Charge of this province.

But for that there is now Erected & built at the Charge of the said County a new Court house at Seymour Towne in Sheppard's old ffields w^{ch} is Represented to this present Generall Assembly as the most Convenient place for holding the said County Court for the Easie Recourse of the Inhabitants of the said County thereto. Be it Enacted by the Queens most Excellent Maj^{ty} by and wth the advice and Consent of her Maj^{ty}s Councill and Assembly of this Province and the

Lib. L. L.
No. 64.

authority of the same that so much of the aforementioned Act of Assembly as in any wise relates to the holding the said County Court in the said Stadt house in the Citty a^d be and is hereby utterly repealed and made Void and that S^t Marys County Court shall for the future be held and kept at the a^d new Court house Erected and built as a^d in Seymour Town in Sheppard's old fields, and that the Justices of the said County Court shall and are by Vertue of this Act Impowered and required wth all Convenient Speed to remove or Cause to be Removed from the State house at S^t Mary's all the Record books, Rolls Papers and other records to the said County Court belonging to the a^d Court house at Seymour Towne that the suitors to the said Court may have due and ready Recourse thereto. And that they Cause a List of all such Records and books to be made and Entered in their said Records Signed by the Clark of their s^d Court.

3^d Nov^r 1710.Read and assented to by
the house of Del.Signed p^r ord^rRich^d Dallam Cl. ho. Del.Nov^r 3^d 1710.Read & assented to by her
Maj^{ties} hon^{ble} Councill & Signedp^r ord^r

W Bladen Cl Council.

Nov^r 4th 1710

On the behalf of her most Sacred Maj^{ty} Queen Ann of Great Brittⁿ &c. We will this be a Law.

Edw^d Lloyd Presid^t W^m Holland, Rob^t Quarry Sam^l Young
Tho: Greenfield, Cha. Greenberry, Jn^o Hall, W^m Whittington

p. 405 An Act for Continueing the County Court of Queen Anns County at Queens Towne where the Court house now stands.

Whereas there is in Queen Anns County in this Province at Queens Town a good and suff^t Court house well built made use of and found to be usefull and servicable to that County for holding the County Court of the said County and though perhaps some Doubts may arise whether the builders Connivers or Justices of the County had suff^t authority for the building of the said Court house and for Raising and Levying tobacco on the Inhabitants of the said County for the defraying the Charge thereof.

Be it Enacted by the Queens most Excellent Maj^{ty} by and with the advice and Consent of her Maj^{ties} Councill and Assembly of this province and the authority of the same that all such

Doubts be forever unquestioned and that all the builders ^{Lib. L. L.} Contrivers and Levyers of Tob^o for the building of the house ^{No. 64.} af^d be for their building Contriveing and Levying af^d for Ever Indemnified and Saved harmless by Virtue of this Act and that the Court house as now built and Employed and two acres of Land whereon it is built and scituated forever hereafter deemed adjudged and Esteemed the Very true Court house and County Court house Land of Queen Ann's County any former Act Statute Law Vote of the Delegates of the Generall Assembly warr^t & ord^r of the Councill petition of parties or any thing or things Else to the Contrary notwithstanding.

Provided that the Justices of the said County make or tender full and satisfactory payment for the said Lot to him or them it is Due to.

1^o Nov^r 1710.

Nov^r 2^d 1710.

Read & assented to by the house of Del. Signed p ord ^r Rich ^d Dallam Clk. Ho. Del.	}	Read and assented to by her Maj ^{ties} hon ^{ble} Councill, & Signed p ord ^r W Bladen Cl Council.
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Nov^r the 4th 1710

On the behalf of her most Sacred Maj^{ty} Queen Anne of Great Brittain &c Wee will this be a Law.

Edw^d Lloyd Presid^t W^m Holland, Rob^t Quarry, Sam^l Young, Tho: Greenfield, Ch^a Greenberry, Jn^o Hall, W^m Whittington.

An Act Confirming the Last will and testament of Richard Briggs late of Talbot County Decēd.

Whereas it is represented to this Present Generall Assembly that Rich^d Briggs Late of Talbot County Dec^d by his Last will and testament in wrighting bearing date the thirtyeth day of March in the Yeare of our Lord God one thousand six hundred and seventy five, and Recorded in the prerogative office of this province, devised and bequeathed severall Devises and Legacys to his Children, but for that the said will was Evidenced but by two Wittnesses, and proved by the oath of one of them, whereby the title of the Devises of the said Testator are Disputable.

Be it Enacted by the Queens most Excellent Maj^{ty} by and with the advice and Consent of her Maj^{ties} Councill & Assembly of this province and the authority of the same, that the Severall Devises and Legatees in the said will mentioned and Expressed shall have, hold, possesse and Enjoy as good,

Lib. L. L. sure, firme and Indefeazable Estates Inheritance in ffee simple
 No. 64. to them and their heires and assignes for Ever of in and to
 the severall Devises and Legacyes in the same will Devised and
 bequeathed as if the same were Subscribed & proved by the
 Oaths of three Lawfull and Suff^t Wittnesses, any want of
 Subscription, and Probat of Wittnesses to the Contrary not-
 wthstanding.

3^d Nov^r 1710.

Read and assented to by
 the house of Deleg^e Signed
 p ord^r
 Rich^d Dallam Cl: Ho: Del.

Nov^r 3^d 1710.

Read & assented to by her
 Maj^{ty}s hon^{ble} Councill & Signed
 p ord^r
 W Bladen Cl Council.

Nov^r 4th 1710

On the behalf of her most Sacred Maj^{ty} Queen Anne of G.
 Brittain &c. We will this be a Law.

Edw^d Lloyd Presdi^t W^m Holland Rob^t Quarry, Sam^l Young,
 Thomas Greenfield, Ch^a Greenberry, Jn^o Hall, W^m Whittington.

An Act for the Sale of Talbot County old Court house and
 prison and Land thereto belonging.

Whereas there was formerly purchased a parcell or tract of
 Land Lying in Talbot County in this province by the Comis-
 sioners of the said County for the building of a Court
 house prison & other publique buildings for the use of the
 said County and upon the said Land at the County Charge
 there was Erected & built a Court house & prison w^{ch} are now
 found by the Inhabitants of the said County to be Very Incon-
 venient for them to make use of for them Designed ffor.

p. 406 Which Reason the said Inhabitants have made Choice of a
 more Convenient place on w^{ch} to Erect and build such publique
 buildings by w^{ch} the Land and houses af^d are Rendered wholly
 useless to the said Inhabitants.

Wherefore the Dellegates of this present Generall Assembly
 do pray that it may be Enacted, And be it Enacted by the
 Queens most Excellent Maj^{ty} by and with the advice and Con-
 sent of her Maj^{ty}s Councill and Assembly of this province &
 the authority of the same that it shall and may be Lawfull for
 the Comissioners of the said County Court or the Major Parte
 of them as soon as Conveniently they may to make Sale of
 such Land and houses to the best purchasor or purchasors
 that will by the same and the Comissioners are hereby required
 and appoynted to apply the mony or tobacco arising by such
 Sale Toward Defraying the County Charge, And be it ffurther

Enacted by the authority af^d that the bargaine and Sale of the Land and houses af^d Entered upon the records of Talbot County af^d by ord^r of the Comissioners of the said Court or the Major p^{te} of them shall be as Good and Effectuall in Law to all Intents and purposes to Transferr the Right or fee simple of the said Land to such purchasor or purchasors his heires and assignes, as if the same was Conveyed to such purchasor by deed Enrolled and acknowledged according to the tennor of a Certaine Act of Assembly of this province Entituled An Act for Enrollment of Conveyances and secureing the Estates of Purchasors any Law, Statute usage or Custome to the Contrary notwithstanding.

Lib. L. L.
No. 64.

4th Nov^r 1710.

Nov^r 4th 1710.

Read and assented to by the house of Del. Signed p ord ^r	}	Read and assented to by her Maj ^{ty} s hon ^{ble} Councill & Signed p ord ^r
Rich ^d Dallam Cl. Ho. Del:		W Bladen Cl. Council.

Nov^r 4th 1710.

On the behalf of her most Sacred Maj^{ty} Queen Anne of Great Britt^a &c We will this be a Law.

Edw^d Lloyd Presid^t W^m Holland, Rob^t Quary, Sam^l Young, Tho: Greenfield, Cha. Greenberry, Jn^o Hall W^m Whittington.

An Act for the payment and assessment of the publick Charge of this province.

Whereas there hath been two hundred Seventy Seven thousand Six hundred ninety five pounds of Tobacco and two hundred and sixteen pounds seventeen shill and three pence in Money Laid out and Expended for the publick service of this province to the third Day of Nov^r in this Present Year of our Lord one thousand seven hundred and ten to the Intent the same may be satisfied and paid to whome the same is Due as by the Journalls of the Comittee for Laying the publick Leavy and Lists of paym^{ts} thereto annext appeares.

Be it Enacted by the Queens most Excellent Maj^{ty} by and wth the advice and Consent of her Maj^{ty}s Councill and Assembly of this p^{vince} and the authority of the same that the said sume of two hundred and sixteen pounds Seventeen shill: and three pence be satisfied and paid to whome the same is due out of the publick Stock of mony Lodged in the Treasurers hands of this province and that the tobacco heretofore Raised and Lodged in the hands of Severall of the Sherriffs of this province be applyed and a Levy or Equall assessment of seventeen pounds of tob^o p poll be by Virtue of this act Levied

Lib. L. L. and assessed upon the bodyes and Estates of the taxable
 No. 64. Inhabitants of this Province and paid to the Severall persons
 to whome the same is Due according to the Journall of accounts
 and Disbursments for the necessary Charges of this province
 w^{ch} have been Examined and now stated and allowed of by
 this present Generall Assembly.

Nov^r 4. 1710.

Read and assented to by
 the house of Del. Signed
 p ord^r
 Rich^d Dallam Cl: Ho: Del

Nov^r 4th 1710.

Read and assented to by her
 Maj^{ties} hon^{ble} Council & Signed
 p ord^r
 W Bladen Cl Coun^l

Nov^r 4th 1710

On behalf of her most Sacred Maj^{ty} Queen Anne of Great
 Brittⁿ &c^a We will this be a Law

Edw^d Lloyd Presid^t W^m Holland, Rob^t Quarry, Sam^l Young,
 Tho: Greenfield, Ch^a Greenberry, Jn^o Hall, W^m Whittington.

An Act Reviveing an Act Entituled an Act prohibiting the
 Importation of Bread, Beer, flower, Malt, Wheat or other
 English or Indian Graine or Meal, Horses, Mares, Colts, or
 filleys, from Pensilvania and the Territories thereunto
 belonging.

p. 407 Be it Enacted by the Queens most Excellent Maj^{ty} by and
 wth the advice and Consent of her Maj^{ties} Councill and assem-
 bly of this province and the authority of the same that one act
 of Assembly of this Province made at a Generall Assembly
 begun and held at the Port of Annapolis the fifth Day of
 September in the yeare of our Lord one thousand seven
 hundred & four Entituled an act prohibiting the Importation
 of Bread, Beer, Flower, Malt, Wheat or Other English or
 Indian Graine or Meale, Horses, Mares, Colts, or filleys, from
 Pensilvania, and the territories thereunto belonging and
 Revived at a Generall Assembly held at the Port of Annapolis
 af^d the Twenty sixth Day of March in the yeare of our Lord
 one thousand seven hund^d seven be and is hereby Revived
 and Continued in full force and strength from and after the
 End of this present Session of Assembly for and dureing the
 space of three Yeares, and to the End of the next Sessions of
 Assembly for and dureing the Space of three Yeares, and to
 the End of the next Sessions of Assembly w^{ch} shall happen
 after the End of the said Three Years Provided that the said
 Act or anything therein Contained shall not Extend or be

Construed to Extend to any horse or horses brought into this province by Travellers for their owne use only and not intended for Sale nor to any person or psons that shall Remove themselves into this province wth their families in order to settle here.

Lib. L. L.
No. 64.

1^o Nov^r 1710.

Nov^r 2^d 1710.

Read and assented to by the house of Del ^e Signed p ord ^r Rich ^d Dallam Cl: ho: Dei.	}	Read and assented to by her Maj ^{ties} hon ^{ble} Councill & Signed p ord ^r W Bladen Cl. Council.
--	---	--

Nov^r 4th 1710. On the behalf of her most Sacred Maj^{ty}
Queen Anne of Great Brittⁿ &c. We will this be a Law.

Edw^d Lloyd Presid^t W^m Holland, Rob^t Quarry, Sam^l Young
Tho: Greenfield, Ch^a Greenberry Jn^o Hall W^m Whittington.

An Act for Confirmation of the Last will & testament of
William Dixon Late of Talbot County Glover Deced.

Whereas William Dixon of St Michaels River Glover made his Last will and testam^t in wrighting bearing date the Sixteenth day of the third month May in the yeare of our Lord one thousand seven hundred and Eight Contayning a Rationall Disposition of his Estate both Reale and personall w^{ch} will Signed by the proper hand and hand wrighting of the said W^m Dixon as appeares by Severall proofes on the back of the will Registered or Recorded in the Comissary Gen^{ls} office in WB N^o 2 fol^o 14 but yet the said Will is not Evidenced by the Subscriptions of Witnesses, but Generally by all psons that knew His Character or handwrighting belived to be the Very act and deed of the af^d testator and that for want of such Subscriptions of Wittnesses it may be Doubtfull whether the said will be good and whether the devisees have fiable and Certain Inheritance in the Land Devised or the Legatees suff^t right to Claim and demand their Legacyes and that no person offers any objection ag^t the said will. Be it therefore Enacted by the Queen's most Excellent Maj^{ty} by and wth the advice and Consent of her Maj^{ties} Councill and Assembly of this province and the authority of the same that the said will so Recorded or Registered as af^d be at all times and in all Courts of this province adjudged Deemed and taken for the Very true Last will and Testam^t of the said W^m Dixon and that the Devisees and Legatees in the said will meconed have and Enjoy their Severall Devises and Legacyes as ffirmly to all Intents & pur-

Lib. L. L. poses as if the said will had been Subscribed and proved by
 No. 64. three Wittnesses any Defect of subscription of witnesses af^d
 Notwithstanding.

1^o Nov^r 1710.

Read and assented to by
 the house of Del. Signed
 p^r ord^r

Rich^d Dallam Cl. Ho: Del.

Nov^r 2^d 1710.

Read and assented to by her
 Maj^{ty}s hon^{ble} Council & Signed

p^r ord^r

W Bladen Cl Council.

Nov^r 4th 1710. On the behalf of her most Sacred Maj^{ty}
 Queen Anne of Great Britt^a &c. We will this be a Law.

Edw^d Lloyd Presid^t

W^m Holland

Rob^t Quarry

Sam^l Young

Tho: Greenfield

Ch^a Greenberry

Jn^o Hall

W^m Whittington

An Act Reviveing an Act Entituled an Act for Killing Wolves
 and Crows.

Be it Enacted by the Queens most Excellent Maj^{ty} by and
 wth the advice and Consent of her Maj^{ty}s Councill and Assem-
 bly of this province and the authority of the same that one act
 of Assembly made at a Generall Assembly of this province
 begun & held at the Port of Annapolis the Twenty sixth day
 of March in the yeare of our Lord one thousand seven hundred
 & seven Entituled an Act for Killing Wolves & Crows and
 Every article Clause & thing therein Contayned be and is
 hereby Revived & Continued in full force and Strength from
 and after the End of this present session of Assembly for and
 dureing the space of three Yeares and to the End of the
 next session of Assembly w^{ch} shall happen after the End of
 the said three yeares.

1^o November 1710.

p. 408 Read & assented to by
 the house of Del. Signed
 p^r ord^r

Rich^d Dallam Cl. Ho. Del.

Nov^r 2^d 1710.

Read and assented to by her
 Maj^{ty}s hon^{ble} Council, & Signed

p^r ord^r

W Bladen Cl Council.

Nov^r 4th 1710. On the behalf of her most Sacred Maj^{ty}
 Queen Anne of Great Britt^a &c. We will this be a Law.

{ Edw^d Lloyd Presid^t

{ W^m Holland

{ Rob^t Quarry

{ Sam^l Young

{ Tho: Greenfield

{ Ch^a Greenberry

{ Jn^o Hall

{ W^m Whittington }

An Act Reviveing an Act Entituled an Act for Relief of Poor Debtors and ascertaining the Manner of tenders in tobacco. Lib. L. L.
No. 64.

Be it Enacted by the Queens most Excellent Maj^{ty} by and wth the advice and Consent of her Maj^{ties} Councill and Assembly of this Province & the authority of the same that one act of Assembly made at a Generall Assembly begun and held at Annap^o in Ann Arund^l County the fifteenth Day of Aprill one thousand seven hundred & Seven Entituled an act for Relief of Poor Debtors and ascertaining the Manner of Tenders in Tobacco, and Every Article Clause or thing therein Contained be and is hereby Continued in full force and strength for and dureing the Space of three yeares and to the End of the next Session of Assembly w^{ch} shall happen after the End of the said three Yeares.

4. Nov^r 1710.

Nov^r 4th 1710.

Read and assented to by the house of Del. Signed p ord ^r	}	Read and Assented to by her Maj ^{ties} hon ^{ble} Council & Signed p ord ^r
Rich ^d Dallam Cl: Ho: Del.		W Bladen Cl Council.

Nov^r 4th 1710. On behalf of her most sacred Maj^{ty} Queen Anne of Great Britain &c. We will this be a Law.

Edw^d Lloyd Presid^t W^m Holland, Rob^t Quarry, Sam^l Young, Tho: Greenfield, Ch^a Greenberry, Jn^o Hall, W^m Whittington.

An Act reviveing an act Entituled an act of Directions for the Sherriffs office in this province and for the more Easy payment of the publick County Levy.

Be it Enacted by the Queens most Excellent Majesty by and wth the advice & Consent of her Maj^{ties} Councill and Assembly of this province and the authority of the same that one Act of Assembly made at a Generall Assembly held at the Port of Annapolis the fifth Day of September one thousand Seven hundred and four Entituled an Act of Directions for the Sherriffs office and for the more speedy paym^t of the Publick and County Levy and Revived at a Generall Assembly held at the Port of Annapolis the fifteenth day of Aprill in the sixth yeare of the Reigne of our Sovereigne Lady Queen Anne &c^a Annoque Dom. one thousand seven hundred & Seven. Be and is hereby Revived and Continued in full force and strength from and after the End of this present session of

Lib. L. L. Assembly for and durement the space of three Yeares and to
 No. 64. the End of the next Session of Assembly w^{ch} shall happen
 after the End of the said three Yeares.

1^o Nov^r 1710.

Nov. 2. 1710.

Read and assented to by the house of Del. Signed p ord ^r Rich ^d Dallam Cl: Ho: Del:	}	Read and assented to by her Maj ^{tys} hon ^{ble} Council & Sign'd p ord ^r W Bladen Cl Council.
--	---	---

Nov^r 4th 1710. On the behalf of her most Sacred Maj^{ty}
 Queen Anne of Great Britt^a &c. We will this be a Law.

{	Edw ^d Lloyd Presid ^t W ^m Holland Rob ^t Quarry Sam ^l Young	}	Tho: Greenfield Ch ^a Greenberry Jn ^o Hall W ^m Whittington
---	---	---	---

An Act for the Naturalization of Christian Swormstedt of
 Calvert County Chyrurgeon.

Be it Enacted by the Queens most Excellent Maj^{ty} by and
 wth the advice & Consent of her Maj^{tys} Councill and Assembly
 p. 409 of this province and the authority of the same that Christian
 Swormstedt of Calvert County Chyrurgeon a German by birth
 and borne out of her Maj^{tys} allegiance haveing taken the oath
 of Allegiance to her Maj^{ty} before Master John Leach one of
 her Maj^{tys} Justices of the peace for Calv^t County af^d and all
 his Children borne and hereafter to be borne in this province
 be for Ever hereafter adjudged Deemed and taken as true
 freeborne Subjects of this province and be and are hereby
 Enabled to purchase have hold and Enjoy any Real Estates of
 Inheritance in this province, and to hold and maintaine any
 action Reall and personall in any her Maj^{tys} Courts of Record,
 and to have hold and Enjoy all previledges and freedoms
 whatsoever as any Naturall borne Subject of this province

1. Nov^r 1710.Nov^r 2^d 1710.

Read and assented to by the house of Del. Signed p ord ^r Rich ^d Dallam Cl: Ho: Del:	}	Read & assented to by her Maj ^{tys} hon ^{ble} Council & Sign'd p ord ^r W Bladen Cl Coun.
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Nov^r 4th 1710. On the behalf of her most Sacred Maj^{ty} Lib. L. L.
Queen Anne of Great Brittain &c. We will this be a Law No. 64.

{	Edw ^d Lloyd Presid ^t	{	Tho: Greenfield	}
	W ^m Holland		Cha. Greenberry	
	Rob ^t Quarry		Jn ^o Hall	
	Sam ^l Young		W ^m Whittington	

The Seale of the Secretary's office is hereunto affixt this
30th Day of Aprill Anno Dni 1711 On behalfe of the hon^{ble}
Philemon Lloyd Esq^r Deputy Secretary of the Province of
Maryland

p me Jo Beale Clk Se^{ry} office

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